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Thursday
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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Presidential Determination No. 88–2 of October 30, 1987

Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, I hereby designate refugees in Indochina and other countries in East Asia, including such persons who may be authorized pursuant to Section 101(a)(42) of the Immigration and Nationality Act to be considered for admission to the United States as refugees while still within their countries of nationality or habitual residence, as persons qualifying for assistance under Section 2(b)(2), having determined that such assistance will contribute to the foreign policy interests of the United States.

You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, October 30, 1987.

[FR Doc. 88–282
Filed 1–5–88; 12:22 pm]
Billing code 3195–01–M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905, 959, 971, and 987

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Orders 905, 959, 971, and 987 for the 1987–88 fiscal year established for each order. Funds to administer these programs are derived from assessment on handlers.

EFFECTIVE DATES: August 1, 1987, through July 31, 1988 (§§ 905.226, 959.228, and 971.227), and October 1, 1987, through September 30, 1988 (§ 987.332).

FOR FURTHER INFORMATION CONTACT: Gary Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone: 202–475–3918.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order Nos. 905 (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida; 959 (7 CFR Part 959) regulating the handling of onions grown in South Texas; 971 (7 CFR Part 971) regulating the handling of lettuce grown in The Lower Rio Grande Valley in South Texas; and 987 (7 CFR Part 987) regulating the handling of dates produced or packed in Riverside County, California. These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was issued on November 30, 1987, and published in the **Federal Register** (52 FR 46366, December 7, 1987). That document contained a proposal to add §§ 905.226, 959.228, 971.227, and 987.332 to establish expenses and assessments for the Citrus Administrative Committee, South Texas Onion Committee, South Texas Lettuce Committee, and California Date Administrative Committee, respectively. That rule provided that interested persons could file comments through December 17, 1987. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred, and that such expenses and the specified assessment rates to cover such expenses will tend to effectuate the declared policy of the Act.

These budgets and assessment rates should be expedited because the committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis. In addition, handlers are aware of this action which was recommended by the committees at public meetings. Therefore, the Secretary also finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Parts 905, 959, 971, and 987

Marketing agreements and orders, Oranges, Grapefruit, Tangerines, Tangelos (Florida), Onions (Texas) Lettuce (Texas), Dates (California).

For the reasons set forth in the preamble, §§ 905.226, 959.228, 971.227, and 987.332 are added as follows:

1. The authority citation for 7 CFR Parts 905, 959, 971, and 987 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New §§ 905.226, 959.228, 971.227, and 987.332 are added to read as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

§ 905.226 Expenses and assessment rate.

Expenses of $239,375 by the Citrus Administrative Committee are authorized, and an assessment rate of $0.00375 per 4/5 bushel carton of assessable fruit is established for the fiscal period ending July 31, 1988. Unexpended funds from the 1986–87 fiscal period may be carried over as a reserve.

PART 959—ONIONS GROWN IN SOUTH TEXAS

§ 959.228 Expenses and assessment rate.

Expenses of $312,380 by the South Texas Onion Committee are authorized, and an assessment rate of $0.055 per 50-pound container or equivalent quantity of assessable onions is established for the fiscal period ending July 31, 1988. Unexpended funds may be carried over as a reserve.

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

§ 971.227 Expenses and assessment rate.

Expenses of $33,363 by the South Texas Lettuce Committee are authorized and an assessment rate of $0.05 per carton of assessable lettuce is established for the fiscal period ending July 31, 1988. Unexpended funds may be carried over as a reserve.

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

§ 987.332 Expenses and assessment rate.

Expenses of $386,267 by the California Date Administrative Committee are authorized and an assessment rate of $1.30 per hundredweight of assessable dates is established for the fiscal period ending September 30, 1988. Unexpended funds from the 1986–87 fiscal period may be carried over as a reserve.

Dated: December 31, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–221 Filed 1–6–88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 911

Limes Grown in Florida; Amendments to Container Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule and opportunity to file comments.

SUMMARY: This action relaxes container requirements for limes grown in Florida. The minimum net weight of limes which must be packed in a currently authorized master container is being reduced from 38 to 35 pounds when that container is used for bagged limes and the container is marked "Master Container." The current minimum of 38 pounds requires more limes to be packed in the container than it can comfortably hold, resulting in damaged fruit and deformed containers. The lower minimum net weight is expected to correct this problem. The rule also adds a container to the list of containers currently authorized for shipment of Florida limes. Such action will make available to handlers an additional container which they need to ship limes to market. This action was recommended by the Florida Lime Administrative Committee, which works with the Department in administering the Florida lime marketing order.

DATES: This interim final rule becomes effective January 7, 1988. Comments which are received by February 8, 1988 will be considered prior to issuance of the final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim rule. Comments should be sent to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. The written comments should reference the date and page number of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone (202) 447–2491.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 26 handlers of Florida limes subject to regulation under the Florida lime marketing order, and approximately 263 lime producers in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

This action temporarily relaxes through March 31, 1988, container requirements for Florida limes by reducing the net weight contents of a shipping container used for bagged limes. The rule also permanently adds a container to the list of containers currently authorized for shipment of Florida limes.

Container requirements for Florida limes are prescribed in § 911.329 in terms of inside dimensions and net weight capacity which handlers must meet when they ship limes grown within the production area outside that area. Paragraph (a)(2)(v) of that section prescribes the specifications of one of the containers handlers may use for such shipments. That container has inside dimensions of 12¾ x 15¾ x 10¾ inches and is required to contain not less than 38 pounds nor more than 42 pounds net weight of limes.

The committee reported that handlers have been using this container as a master shipping container for bagged limes, but that the container is too small to comfortably hold the 38 pound minimum net weight. This has resulted in damaged fruit. Reducing the minimum net weight of the contents of this container to 35 pounds when it is used for bagged limes is expected to ensure that limes free from damage due to packing reach the consumer. Requiring such containers to be marked "Master Container" when they contain bagged limes is designed to differentiate such containers from containers containing loose limes for which the minimum weight will continue to be 38 pounds. A conforming change is made to § 911.311. This should help foster better sales and have a positive effect on the industry.

The committee indicated that if the reduced net weight proved successful, it would consider making the 35 pound minimum net weight a permanent part of the lime container requirements.

The committee also recommended adding a container with inside dimensions of 11 x 16¾ x 10 inches, containing between 38 and 42 pounds net weight of limes, to the list of currently authorized containers. This container was removed from the list of authorized containers effective August 1, 1986 (51 FR 27517). A survey of handlers conducted by the committee prior to the removal of the container from the list indicated that the container was no longer used. However, recent information indicates that some handlers desire to use this large capacity container.

Therefore, the Department's view is that the impact of the relaxed container requirements upon producers and handlers will be beneficial and have a positive effect on industry operations. The application of a less restrictive minimum weight for the specified container will help ensure that limes free from packing damage reach the consumer. The addition of a new

container will benefit handlers by providing them with a container needed to ship fresh Florida limes to market.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of the information and recommendations submitted by the committee, and other available information, it is found that the rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1987–88 shipping season is in progress, and to maximize benefits to the industry this action should apply to as many shipments as possible; (2) this action is based upon the unanimous recommendation of the committee considered at public meetings; and (3) handlers are prepared to conduct their operations in accordance with this rule and do not require any additional time for preparation.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Limes, Florida.

PART 911—LIMES GROWN IN FLORIDA

1. The authority for citation 7 CFR Part 911 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 911.329 (7 CFR Part 911; 52 FR 1314, 4598) is amended by revising paragraph (a)(1) by deleting the words "On and after October 8, 1982,"; revising paragraph (a)(2) by deleting the words "On and after the effective date hereof"; adding a proviso paragraph to (a)(2)(v); redesignating paragraphs (a)(2)(viii) as (a)(2)(x) and (a)(2)(ix) as (a)(2)(viii); and adding a new paragraph (a)(2)(ix) to read as follows:

§ 911.329 Lime Regulation 27.

(a)(1) No handler shall between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than four pounds net weight of limes.

(2) No handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

* * * * *

(v) * * *

Provided further, That until March 31, 1988, when this container is used as a master container for bagged limes, the minimum net weight of limes shall be 35 pounds, provided the container is marked "Master Container."

* * * * *

(ix) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided,* That any such containers shall contain not less than 38 pounds nor more than 42 pounds net weight of limes.

* * * * *

3. Section 911.311 is amended by revising paragraph (a)(4) to read as follows:

§ 911.311 Lime Pack Regulation 9.

(a) * * *

(4) The provisions of paragraphs (a)(2) and (a)(3) of this section shall not apply to individual packages of limes not exceeding 4 pounds, net weight, that are with master containers except that if such packages are individual bags either such bags or the master containers thereof shall be marked or labeled in accordance with the requirements of paragraph (a)(2) of this section and master containers shall be marked or labeled in accordance with the requirements of paragraph (a)(3) of this section, and until March 31, 1988, § 911.329 (a)(2)(v).

* * * * *

Dated: December 31, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–220 Filed 1–6–88; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

General Criteria for Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations regarding physical fitness qualifications for security personnel. The regulation continues to require annual medical examinations and annual physical fitness testing for guards, armed response personnel, and armed escorts, but the amendment deletes the scheduling requirement that the medical examination be conducted within the 30 days preceding the physical fitness test. The amendment is supported by Commission findings made in response to a petition for rulemaking (PRM–73–6), which was recently partially denied.

EFFECTIVE DATE: February 8, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Lahs, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–492–3774.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission received a petition for rulemaking (PRM–73–6) dated December 2, 1981, filed by Shaw, Pittman, Potts and Trowbridge on behalf of the Wisconsin Electric Power Company, the Public Service Electric and Gas Company, the Commonwealth Edison Company, the Yankee Atomic Electric Company, the Northern States Power Company, and the Sacramento Municipal Utility District. The petition requested changes in the qualifications for armed security personnel, set out in 10 CFR Part 73, Appendix B, entitled "General Criteria for Security Personnel." Although the petition was denied in part, as documented in the September 3, 1987 edition of the **Federal Register** (52 FR 33428), the Commission indicated that it intended to grant that part of the petition that requested deletion of an existing requirement that armed security personnel undergo a medical examination within the 30 days preceding their individual annual physical fitness test. This final rule completes Commission action on PRM–73–6.

Responses to Public Comments on the Petition for Rulemaking

The petition was published for comment in the **Federal Register** on February 16, 1982 (47 FR 6659). The NRC received 13 comment letters on PRM–73–6. The sources were as follows:

Congress—1
General Public—1
Nuclear Industry—11

The industry comments and the single "general public" comment supported the petition position that the link between the medical examination and the physical fitness test be deleted. These

comments typically noted that the requirement for an annual medical examination within the 30 days preceding the physical fitness test is unrelated to the effectiveness of the security force and presents a scheduling nightmare. Rotating shifts, adverse weather conditions, and the availability of trainers/instructors to administer the physical fitness test complicate the scheduling problem. The Congressional commenter cautioned against doing away with security requirements based only on the claim that the regulations are cumbersome.

The changes in Appendix B being implemented through this amendment have taken into account the concerns of all commenters. The amendment leaves in place the requirement that all armed security personnel undergo both annual medical examinations and physical fitness testing. The existing requirements are intended to ensure that guard force personnel are physically able to perform their duties. The Commission also recognizes that to protect the well-being of the security force personnel, prudent practice would dictate that a medical examination be given at some appropriate time prior to physical testing. However, the Commission believes that the exact timing between the medical examination and the physical fitness is primarily a scheduling matter in which the licensee requires discretion for efficient management. The Commission agrees with the petitioners that there is no necessary relationship between this schedule interval and the level of protection being provided. The revised 10 CFR Part 73, Appendix B, paragraph I.C., retitled, "Medical examination and physical fitness qualifications," continues to require a physical fitness test to be preceded by a medical examination as a criteria for establishing employment suitability and qualification. Only the 30-day link between the medical examination and the physical testing has been deleted. In addition, 10 CFR Part 73, Appendix B, paragraph I.E., has been retitled "Physical and medical requalification," and has been modified to clearly specify that, at least every 12 months, guards, armed response personnel, armed escorts, and other armed security force members shall be required to meet the referenced physical requirements and shall be subject to a physical fitness test and a medical examination.

The provisions of this amendment may be adopted through appropriate modifications in the licensee's training and qualifications plan made under the authority of this rule.

Notice and public procedure (i.e., public comment) are unnecessary in view of the public comments already received on the precise issue raised in the petition to which this rulemaking is responding. Accordingly, this amendment is being promulgated as a final rule subject to codification.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget approval number 3150–0002.

Regulatory Analysis

This final rule amends 10 CFR Part 73 by deleting a requirement which specifies a scheduling link between the medical examination and the physical fitness test to which all armed security personnel are subjected at least every 12 months. The amendment was initiated as a response to a petition for rulemaking (PRM–73–6) dated December 2, 1981, filed by Shaw, Pittman, Potts and Trowbridge on behalf of six utilities operating nuclear power reactors. The amendment is directed at relieving a scheduling problem which has no impact on the effectiveness of the security force. The requirement that, at least every 12 months, all armed security personnel be subjected to both a medical examination and a physical fitness test remains unchanged. Only the requirement that the medical examination precede the physical fitness test by 30 days or less is being deleted.

The amendment results in no impact on NRC resources and a cost savings to those licensees adversely impacted by the current requirement that all armed security personnel be subjected to an annual physical fitness test which must be preceded within 30 days by a medical examination.

There are no apparent conflicts or overlaps with other NRC regulations or policies nor with other agencies' regulations or policies. The amendment is intended to ensure effective security force performance without imposing an unnecessary burden on licensees.

Backfit Analysis

This final rule pertains to the training and qualifications plan associated with the operation of a nuclear power reactor. The objective of the modification is to eliminate a requirement which specifies a scheduling link between the medical examination and the physical fitness test to which all armed security personnel are subjected. The current requirement that both the medical examination and physical fitness test be administered at least every 12 months remains unchanged. As a result, the effectiveness of the security force is unaffected and no change is involved in the risk to the public or facility employees. No action by licensees is needed in order to comply with the rule. However, if the current link between the medical examination and physical fitness test presents an unnecessary scheduling problem, appropriate changes may be made to the licensee's training and qualifications plan under the authority of this rule.

The final rule involves no installation or continuing costs to the licensee, potentially relieves an unnecessary scheduling burden, and imposes no new resource burden on the NRC.

List of Subjects in 10 CFR Part 73

Hazardous materials-transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the supplementary information and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is amending Appendix B to 10 CFR Part 73 as follows.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for 10 CFR Part 73 is revised to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.37(f) is also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399 and sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 73.21, 73.37(g), and 73.55 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45,

73.46, 73.50, 73.55, and 73.67 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.26(b)(3), (h)(6), and (k)(4), 73.27(a) and (b), 73.37(f), 73.40(b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B), and (h), 73.55(h)(2) and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In Appendix B, the Table of Contents is amended by revising the introductory entries and the entries under Section I to read as follows:

Appendix B—General Criteria for Security Personnel

Table of Contents

* * * * *

3. In Appendix B, paragraphs I.C. and I.E. are revised to read as follows:

Appendix B—General Criteria for Security Personnel

* * * * *

Criteria

* * * * *

C. Medical examinations and physical fitness qualifications—Guards, armed response personnel, armed escorts and other armed security force members shall be given a medical examination including a determination and written certification by a licensed physician that there are no medical contraindications as disclosed by the medical examination to participation by the individual in physical fitness tests. Subsequent to this medical examination, guards, armed response personnel, armed escorts and other armed security force members shall demonstrate physical fitness for assigned security job duties by performing a practical physical exercise program within a specific time period. The exercise program performance objectives shall be described in the licensee training and qualifications plan, and shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations. The physical fitness qualification of each guard, armed response person, armed escort, and other security force member shall be documented and attested to by a licensee security supervisor.

* * * * *

E. Physical and medical requalification—at least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b. of this section and guards, armed response personnel, armed escorts and other armed security force members shall be required to meet the physical requirements of paragraphs B.1.b. (1) and (2) and shall be subject to medical examination and physical fitness qualification requirements of paragraph C of this section.

* * * * *

Dated at Bethesda, MD, this 24th day of December, 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-240 Filed 1-6-88; 8:45 am]

BILLING CODE 7590-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Revisions to Freedom of Information Act (FOIA) Regulations

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: This rule revises one exemption from disclosure under the FOIA set out in TVA's regulations in order to conform that exemption with changes made by the Freedom of Information Reform Act of 1986. This rule also redesignates the positions responsible for handling and determining initial requests and administrative appeals under the FOIA to reflect TVA organizational changes.

EFFECTIVE DATE: February 8, 1988.

FOR FURTHER INFORMATION CONTACT: Gilbert D. Francis, Jr., (615) 632-6000.

SUPPLEMENTARY INFORMATION: TVA published a proposed rule in the **Federal Register** on August 28, 1987 (52 FR 32573) on revisions to its regulations implementing the FOIA. No comments were received.

This rule is not a major rule for the purpose of Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 18 CFR Part 1301

Administrative practice and procedure, Freedom of Information, Privacy, Sunshine Acts.

For the reasons set forth in the preamble, Title 18, Chapter XIII of the Code of Federal Regulations is amended as follows:

PART 1301—PROCEDURES

1. The authority citation for Part 1301 continues to read as follows:

Authority: 48 Stat. 58, as amended; 16 U.S.C. 831-831dd, unless otherwise noted.

2. Section 1301.1 is amended by revising paragraph (a)(7), the first sentence of paragraph (b) introductory text, the second sentence of paragraph (c)(1)(i), the first sentence of paragraph (c)(1)(ii), the third sentence of paragraph (c)(2)(ii), the second sentence of paragraph (c)(3)(i), the fourth sentence of paragraph (c)(3)(ii), and the third sentence of paragraph (e) as follows:

§ 1301.1 Records.

(a) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

* * * * *

(b) *Requests.* Requests to inspect and copy TVA records shall be directed to the Manager, Office of Governmental and Public Affairs, Tennessee Valley Authority, Knoxville, Tennessee 37902.

* * *

* * * * *

(c) * * *

(1) * * *

(i) * * * Initial determinations shall be made by the Manager, Office of Governmental and Public Affairs, or the Director of Information. * * *

(ii) For purposes of this paragraph, a request is deemed to be received by TVA only when it is physically

delivered to the Office of Governmental and Public Affairs and meets all the requirements of paragraph (b) of this section. * * *

(2) * * *

(ii) * * * Determinations of appeals under this section shall be made by the General Manager or the General Manager's designee. * * *

(3) * * *

(i) * * * Such extension may not exceed 10 working days, and a decision to make such extension shall be made by the Manager, Office of Governmental and Public Affairs, or the Director of Information.

(ii) * * * A decision to make an extension under this paragraph shall be made by the General Manager or the General Manager's designee.

* * * * *

(e) * * * A pricelist and order form for some of the most frequently asked for TVA publications and reports is contained in TVA Form 3077, which may be obtained by writing the Manager, Office of Governmental and Public Affairs, Tennessee Valley Authority, Knoxville, Tennessee 37902. * * *

W. F. Willis,

General Manager.

[FR Doc. 88-193 Filed 1-6-88; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5 87-065]

Drawbridge Operation Regulations; Mullica River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Burlington County Board of Chosen Freeholders, and with the concurrence of Atlantic County, the Coast Guard is changing the regulations governing the Lower Bank and Green Bank bridges, at mile 15.0 and 18.0, respectively, over the Mullica River at Lower Bank and Green Bank, New Jersey by requiring that advance notice of openings be given from 11 p.m. to 7 a.m., from 1 April through 30 November, and at specified time periods for each bridge during the winter months. This change is being made because of the relative infrequent requests for bridge openings at night during the boating season and the limited use of the waterway during the winter. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on February 8, 1988.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668-7170.

SUPPLEMENTARY INFORMATION: On 1 October 1987, the Coast Guard published proposed rules (52 FR 36800) concerning this amendment. The Commander, Fifth Coast Guard District, also published the proposal as a Public Notice 5-650 dated 16 October 1987. In each notice, interested persons were given until 16 November 1987 to submit comments.

Drafting Information

The drafters of these regulations are Waverly W. Gregory, Jr., project manager, First Coast Guard District Bridge Branch, and CDR Robert J. Reining, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Comments

Three responses were received in response to the public notice. All three objected to the proposed regulations. One respondent was a recreational boater, who requested that both bridges be manned during the winter months so he could have free access and use of the waterway. Since the four hours advance notice during low usage periods permits relatively free access to the waterway, the Coast Guard believes that continuing the requirement that the bridges open on signal throughout the year for the convenience of one recreational boater imposes an unreasonable burden on the bridge owners. This is especially true when one considers the historical information regarding the use of the waterway and that the waterway freezes over during various periods of the winter. The other two objections related to the impact on a major year round yacht building facility located between the Lower Bank and Green Bank bridges. During the winter, the facility operates on a Monday to Friday basis, from 8 a.m. until 4:30 p.m., and during the rest of the year from 7 a.m. to 5:30 p.m. Monday to Thursday and 7 a.m. to noon on Friday. At present, the facility is building 13 boats per month. Each boat must transit the bridge approximately six times (three round trips for testing propulsion systems). Current expansion is increasing their production to 16 boats per month, with plans to further increase production to 20 boats per month. This would increase the number of openings to 120 per month. The Green Bank bridge is not used by this facility. In light of these two responses, the Coast Guard after consultation with Burlington County, has revised regulations for the Lower Bank bridge. They offered to staff the bridge between the hours of 8 a.m. and 4:30 p.m. from 1 December until 31 March.

Economic Assessment And Certification

These regulations are considered to be nonmajor under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Since this waterway is used primarily by recreational vessels and the needs of the commercial boat building facility will be accommodated by the Lower Bank bridge.

Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.731a is added to read as follows:

§ 117.731a Mullica River.

The draws of the bridges listed in this section shall open on signal, except as follows:

(a) The draw of the Lower Bank bridge, mile 15.0, need not open unless at least four hours notice is given during the following periods:

(1) April 1 through November 30, from 11 p.m. to 7 a.m.

(2) December 1 through March 31, from 4:30 p.m. to 8 a.m.

(b) The draw of the Green Bank bridge, mile 18.0, need not open unless at least four hours notice is given during the following periods:

(1) April 1 through November 30, from 11 p.m. to 7 a.m.

(2) December 1 through March 31, at all times.

(c) The draws shall open as soon as possible during the periods when four hours notice is required for vessels in distress, public vessels of the United States, and state and local vessels used for public safety purposes.

Dated: December 17, 1987.

A.D. Breed,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 88-247 Filed 1-6-88; 8:45 am]

BILLING CODE 4910-14-M

Proposed Rules

Federal Register
Vol. 53, No. 4
Thursday, January 7, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 351

Recruitment, Selection, and Placement (General); Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise its regulations on the Reemployment Priority List (RPL). The RPL is the mechanism agencies use to give reemployment consideration to employees who have been separated by reduction in force or because of compensable injury and whose recovery takes more than 1 year. These changes are intended to improve the operation of the RPL and clarify requirements.

DATES: Written comments will be considered if received no later than March 7, 1988.

ADDRESS: Send or deliver written comments to Chief, Staffing Policy Division, Career Entry Group, Office of Personnel Management, Room 6504, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Leota Shelkey, (202) 632–6817.

SUPPLEMENTARY INFORMATION: The Veterans' Preference Act of 1944 provided a reemployment priority right to preference eligible furloughed or separated without delinquency or misconduct. This right, now at 5 U.S.A. 3315, is the basis for the Reemployment Priority List (RPL) in 5 CFR Parts 330 and 351 for employees separated by reduction in force. Coverage under 5 CFR Part 330 for employees who have fully recovered from a compensable injury after more than 1 year is based on section 8151(b)(2) of title 5, United States Code.

Under current regulations, career and career-conditional employees in the competitive service are eligible for the RPL when they have received a notice of separation by reduction in force (RIP) or have fully recovered from a compensable injury after more than 1 year. The RPL regulations generally restrict hiring from outside the agency of anyone other than a qualified RPL eligible.

The Personnel Directors' Productivity Task Force recommended changes in placement programs to eliminate duplication. As a result of this recommendation, we reviewed the placement programs OPM operates as well as the ones agencies are required to operate. We concluded that each program serves a district purpose and, in total, these programs strike an acceptable balance between the commitment of the Government to assist employees who are involuntarily separated from their jobs and the needs of an agency for flexibility in filling positions. We need to retain the programs we have.

OPM operates the Interagency Placement Assistance Program (IPAP), a pre-RIF Program to help place employees who may be but are not yet separated. Once an employee receives a specific notice of separation, he or she is moved to the Displaced Employee Program (DEP), another OPM-run program (see 5 CFR Part 330, Subpart C). During the period of enrollment in the DEP, the employee may also be enrolled in the RPL. The RPL assures reemployment consideration in the *former* agency, and the IPAP/DEP provide reemployment consideration in *other* agencies. If the former agency office no longer exists or is not hiring, the only reemployment consideration the former employee receives is through the IPAP/DEP.

Although we believe these programs should be retained, we think changes in the regulations are possible to make the RPL work better for agencies and employees. Agencies gave us suggestions for improvements when we surveyed them in 1986 regarding several placement proposals, and we have taken those into account in developing these proposals. Following are the more important changes and clarifications that we propose to achieve greater efficiency.

a. Proposed § 330.201 would require each agency to maintain an RPL but would permit an exception to this requirement when an agency operates a placement program meeting the basic requirements of the RPL regulations. This option was recommended by the Personnel Directors' Productivity Task Force. As proposed, however, the exception would not relieve an agency of fundamental provisions such as preference for veterans and 2-year eligibility for career employees.

b. Proposed § 330.202 would require an employee separated by RIF to complete an application specifying the conditions under which he or she would accept a job offer. An application is not required under current regulations. The requirement is being proposed because availability of a job application would enable an agency to more efficiently operate the RPL and give proper job consideration. Furthermore, the application process would permit an individual to indicate the conditions under which he or she would accept a job offer, e.g., the grades and occupational series. Unlike current policy, an individual would not be restricted to positions with the same work schedule he or she held when separated.

This section would require eligibles to submit applications within 30 days and agencies to enroll them on the RPL within 10 days.

c. Proposed § 330.203 covers eligibility based on RIF separation and includes several changes. It would deny RPL eligibility if the employee's last rating of record for RIF purposes was unacceptable. The period of enrollment would run from the date the eligible is entered on the RPL, rather than from the date of separation. In addition, the criteria for subsequent removal from the RPL is revised:

—Reference to the work schedule of any subsequent employment is dropped.

—The reference to acceptance of "nontemporary" employment is dropped. (This means that upon acceptance of career or career-conditional appointment, but not term appointment, an individual would be removed from the RPL.)

—Permanent excepted employment is added to the types of appointments that will result in removal from the RPL.

—Declination of a lower grade job would result in removal from the RPL for all jobs at and below that grade, but eligibility would be retained for higher grades up to the last grade held.

d. Proposed § 330.204 would clarify the RPL eligibility of employees

separated because of a compensable injury or disability.

e. Proposed § 330.205 would clarify actions subject to the RPL. This section incorporates the current interpretation that individuals on the RPL are to be considered for permanent and temporary positions. Also, certain actions involving employees on the agency's rolls are not subject to the RPL. These will be spelled out later in the Federal Personnel Manual and will include such actions as promotions, reassignments, and conversion to the competitive service of employees serving under Schedule B appointments in professional and administrative career (PAC) positions.

f. Proposed § 330.206 would extend RPL consideration (for employees separated by RIF) to positions at grades no higher than the position from which separated, or to a higher grade from which the employee previously was demoted or separated for reasons other than performance or conduct. The current provision, which allows consideration for higher grade positions, has provoked concern by both employees and managers who feel it unfairly allows RPL eligibles to receive a noncompetitive promotion while other employees must compete for higher grade jobs. Thus, the unrestricted higher grade eligibility would be dropped as inequitable.

This section also would clarify consideration given to employees separated because of a compensable injury or disability.

g. Proposed § 330.207 would give agencies two options for the order in which individuals are listed on the RPL: RIF subgroup order or rating and ranking procedures similar to those used in competitive examinations. The current regulations specify subgroup order. Providing two optional methods, however, would give agencies greater flexibility in considering persons for reemployment. The use of RIF subgroup order provides reemployment priority in the opposite order of that used to RIF employees, so essentially is an extension of the RIF process. The second method, rating and ranking, would enable an agency to recognize qualitative differences among individuals. Both methods provide equitable procedures and are fully consistent with veteran preference provisions.

h. Proposed § 330.208 would establish the qualification standard to be used for selections from the RPL. The current standard, which is in the Federal Personnel Manual but not in regulation, is the same as that used for RIF actions. Because the RPL is used to fill vacancies rather than assign employees to occupied positions as in a RIF, the proposed standard is similar to that normally used in filling vacancies.

i. Proposed § 330.209 contains a revised standard for filing appeals with the Merit Systems Protection Board. Currently, an individual filing an appeal must present "factual information" that reemployment rights were denied because of the employment of another person. This requirement can be a very difficult standard to meet because individuals have no access to reports of an agency's hiring activities. Also, the Merit Systems Protection Board (in *Hogg* v. *U.S.P.S.*, 29 MSPR 153, September 24, 1985), found it would be unreasonable to require an individual to present factual information before the Board's jurisdiction could be established.

j. The establishment of an RPL and employee eligibility are now covered in Subpart J of 5 CFR Part 351; other operations of the RPL are in Subpart B of 5 CFR Part 330. This proposal consolidates all RPL provisions under Part 330 to improve ease of use.

Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal employees and agencies.

List of Subjects in 5 CFR Parts 330 and 351

Government employees.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM proposes to amend Parts 330 and 351 of Title 5, CFR, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for Part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577; § 330.102 also issued under 5 U.S.C. 3327; Subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; Subpart H also issued under 5 U.S.C. 8337(h) and 8457(b).

2. Subpart B and its heading are revised to read as follows:

Subpart B—Reemployment Priority List (RPL)

Sec.

Subpart B—Reemployment Priority List (RPL)

§ 330.201 Establishment and maintenance of RPL.

(a) Each agency is required to establish and maintain a reemployment priority list (RPL) for each commuting area in which it separates eligible employees due to reduction in force or compensable injury, except as provided in paragraph (b) of this section. For purposes of this subpart, "agency" means an executive department, a military department, or an independent establishment. All components of an agency within the commuting area utilize a single RPL.

(b) An agency need not maintain a distinct RPL for employees separated by reduction in force if the agency operates a placement program for its employees that satisfies the requirements of this subpart.

§ 330.202 Application.

(a)(1) To be entered on the RPL, an eligible employee under § 330.203 of this part must complete an application prescribed by the employing agency and inform the agency of any significant changes in the information provided. This application must provide for the employee to specify the conditions under which he or she will accept employment, including grade, occupation, work schedule, and minimum hours of work per week, in addition to positions at the same representative rate and work schedule as the position from which the employee was or will be separated. The employee must submit the application within 30 calendar days of the RIF separation date.

(2) An eligible employee under § 330.204 must request reemployment within 30 calendar days of the date compensation ceases or resolution is reached on an appeal for continuation of compensation. No specific format is required.

(b) After receipt of the application or request, the agency must enroll the

individual on the RPL within a reasonable period of time but no later than 10 calendar days after receipt.

§ 330.203 Eligibility due to reduction in force.

(a) To apply for the RPL, an employee must meet all the following conditions:

(1) Be serving under an appointment in the competitive service in tenure group I or II;

(2) Have received a rating above unacceptable (level 1) as the last annual performance rating of record for Part 351 purposes;

(3) Have received a specific notice of separation under Part 351 of this chapter; and

(4) Have not declined an offer under Subpart G of Part 351 of this chapter of a position that has a representative rate at least as high as that of the position from which the employee was or will be separated.

(b) At the time it gives a specific RIF notice of separation, the agency must give each eligible employee information about the RPL, including appeal rights.

(c) A tenure group I employee is eligible for the RPL for 2 years, and a tenure group II employee is eligible for 1 year, from the date the employee is entered on the RPL. An individual loses RPL consideration for all positions with a representative rate at and below that of any position for which the individuals has declined an offer or failed to reply to an inquiry, under this subpart, when the position meets the acceptable conditions shown in his or her application. Also, an individual is taken off the RPL before the period of eligibility expires when the individual:

(1) Requests removal;

(2) Receives a career, career-conditional, or excepted appointment without limitation in any agency;

(3) Declines an offer or fails to replay to an inquiry, under this subpart, concerning a specific position having a representative rare at least as high, and with the same work schedule, as that of the position from which the person was or will be separated; or

(4) In the case of an individual enrolled on an RPL for Alaska or overseas, leaves the area convered by that list or becomes disqualified for overseas employment because of previous service or residence.

§ 330.204 Eligibility due to compensable injury.

(a) A former competitive service employee in tenure group I or II separated because of a compensable injury or disability (as defined in Part 353 of this chapter) who has fully recovered more than 1 year after compensation began is entitled to be placed on the RPL. Part 353 of this chapter contains complete information on eligibility.

(b) A former tenure group I employee is eligible for the RPL for 2 years, and a former tenure group II employee is eligible for 1 year, from the date the indivudial is entered on the RPL. An individual is taken off the RPL before the period of eligibility expires when the individual:

(1) Requests removal;

(2) Receives a career, career-conditional, or excepted appointment without limitation in any agency; or

(3) Declines an offer or fails to respond to an inquiry about a specific position that is equivalent to the position from which separated.

§ 330.205 Employment restrictions.

(a) When a qualified individual is available on the agency's RPL, the agency may not fill a permanent or temporary competitive service position by:

(1) A new appointment, unless the individual appointed is a qualified 10-point preference eligible;

(2) Transfer; or

(3) Reemployment of an individual not on the RPL unless the individual is a preference eligible or is exercising restoration rights under Part 353 of this chapter.

(b) Paragraph (a) of this section does not apply when all qualified individuals on the RPL decline an offer of a specific position or fail to respond to an inquiry about the position. Furthermore, it does not prevent position changes or other actions involving employees on the agency's rolls, as explained in chapter 330 of the Federal Personnel Manual.

(c) An agency may make an exception to this section and appoint an individual not on the RPL as authorized by § 330.207(d) of this part.

§ 330.206 Job consideration.

(a)(1) An eligible employee under § 330.203 of this part is entitled to consideration for positions in the commuting area for which qualified and available that are at no higher grade (or equivalent) and that have no greater promotion potential than the position from which the employee was or will be separted. In addition, an employee is entitled to consideration for any higher grade previously held on a nontemporary basis in the competitive service if the employee was not separated or demoted for reasons related to performance or conduct.

(2) An eligible employee may be entered on the RPL only for the commuting area in which separated and may not apply for the RPL in any other location, except as provided in paragraph (a)(3) of this section.

(3) Each eligible employee in a position in Alaska or overseas is entitled to apply for the RPL for the commuting area in which separated, unless:

(i) The employee leaves that area and makes a written request for entry on the RPL for the commuting area from which he or she was employed for Alaskan or overseas service, or in another area within the United States outside of Alaska that is mutually acceptable to the individual and the agency; or

(ii) The agency has a general program for rotating employees between overseas areas and the United States and the employee's immediately preceding overseas service or residence, combined with prospective overseas service under available appointments, would exceed the maximum duration of an overseas duty tour in the agency rotation program. In this case, the employee may apply in one other commuting area within the United States that is mutually acceptable to the individual and the agency.

(b) An eligible employee under § 330.204 of this part is placed on the RPL for reemployment consideration for his or her former position or an equivalent one. If the individual cannot be placed in such a position in the former commuting area, he or she is entitled to priority consideration for an equivalent position elsewhere in the agency.

§ 330.207 Selection from RPL.

(a) *Options.* Individuals may be listed on the RPL and selection made in accordance with paragraph (b) or (c) of this section. An agency must adopt one of these methods for use in operating a single RPL but need not adopt the same method for each RPL.

(b) *Retention standing order.* Qualified individuals on the RPL shall be listed in group and subgroup order in accordance with Part 351 of this chapter. An agency may not pass over an individual in group I to select from group II and, within a group, it may not pass over an individual in a higher subgroup to select from a lower subgroup. An agency may select an individual within a subgroup without regard to order of retention standing within the subgroup.

(c) *Rating and ranking.*

(1) Qualified individuals shall be assigned a numerical score of at least 70 on a scale of 100. The agency shall grant 5 additional points to preference eligibles under section 2108(3) (A) and (B) of title 5, United States Code, and 10

additional points to preference eligibles under section 2108(3) (C) through (G) of that title.

(2) Individuals with an eligible numerical score shall be listed in the following order:

(i) Preference eligibles having a compensable service-connected disability of 10 percent or more in the order of their augmented ratings, unless the list will be used to fill professional positions at the GS–9 level and above, or equivalent; and

(ii) All other qualified candidates in the order of their augmented ratings. At each score, qualified candidates eligible for 10-point preference will be entered ahead of those eligible for 5-point preference, and those eligible for 5-point preference will be entered ahead of those not eligible for veteran preference.

(3) An agency must make its selection from not more than the highest three candidates available and may pass over a preference eligible to select a nonpreference eligible only as a exception under paragraph (d) of this section.

(d) *Exceptions.* An agency may make an exception to this subpart and appoint an individual who is not on the RPL or has lower standing than others on the RPL only when necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by an individual who is on the RPL or has higher standing than the one appointed. The agency shall notify each individual on the RPL who is adversely affected by an appointment under this paragraph of the reasons for the exception and of the right of appeal to the Merit Systems Protection Board.

§ 330.208 Qualification requirements.

(a) Subject to applicable requirements of law and this chapter, an individual is considered qualified for a position if he or she:

(1) Meets the qualification standard and requirements for the position, including any minimum educational requirements, and any selective placement factors established by the agency;

(2) Is physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position; and

(3) Meets any special qualifying condition which OPM has approved for the position.

(b) An agency may make an exception to the qualification standard if:

(1) The exception is applied consistently and equitably in filling a position;

(2) The individual meets any minimum educational requirement for the position; and

(3) The agency determines that the individual has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.

(c) The sex of an individual may not be considered in determining qualifications for a position, except positions for which OPM has determined certification of eligibles by sex is justified.

§ 330.209 Appeals.

An individual may appeal to the Merit Systems Protection Board under the provisions of the Board's regulations by showing that his or her reemployment priority rights under this subpart have been violated because of the employment of another person who otherwise could not have been appointed properly.

PART 351—REDUCTION IN FORCE

3. The authority citation for Part 351 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3502, 3503.

Subpart J—[Removed]

4. In Part 351, Subpart J is removed.

[FR Doc. 88–249 Filed 1–6–88; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Rice

AGENCY: Federal Grain Inspection Service, USDA.[1]
ACTION: Advance notice of proposed rulemaking.

SUMMARY: Notice is hereby given that the Federal Grain Inspection Service (Service) is reviewing the United States Standards for Rice according to the requirements of Executive Order 12291 and Department Regulation 1512–1. The Service plans to review the heat-damaged kernels factor limits for rough rice and brown rice for processing. The Service, also, plans to review the mathematical rounding procedure. Public comments are being requested to determine if additional sections of the rice standards should be reviewed.

DATE: Comments must be submitted on or before February 22, 1988.

ADDRESSES: Comments must be submitted in writing to Lewis Lebakken Jr., Information Resources Staff, RM, USDA, FGIS, Room 1661 South Building, P.O. Box 96454, Washington, DC, 20090–6454.

Telemail users may resond to [IRSTAFF/GFIS/USDA] telemail. Telex users may respond as follows: to Lewis Lebakken Jr., TLX: 7607351, ANS:FGIS UC.

All comments received will be made available for public inspection at Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC, 20250 during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: The review of the U.S. Standards for Rice, found at 7 CFR 68.201 through 68.316, is being conducted according to the requirements of Executive Order 12291 and Departmental Regulation 1512–1.

During this review scheduled to be completed by June 1988, the Service will be assessing the Rice Miller's Association's (RMA) request to revise the heat-damaged kernels limits for rough rice. The RMA stated that it is difficult to purchase one grade of rough rice and obtain an equivalent grade of milled rice if there is a high amount of heat-damaged kernels. The suggestion was to include separate heat-damaged kernels factor limits as a subcategory to the existing heat-damages kernels and objectionable seeds factor limits. In addition, the service plans to review the heat-damaged limits for brown rice for processing.

The Service, also, plans to review the mathematical rounding procedure with the intent to change the procedure to be consistent with rounding performed by calculators and in computer applications.

Public comments are requested on the above planned review and to determine if additional changes should be made to the rice standards. Any data, views, or arguments are welcomed.

Dated: December 30, 1987.

W. Kirk Miller,

Administrator.

[FR Doc. 88–116 Filed 1–6–88; 8:45 am]
BILLING CODE 3410–EN–M

[1] The authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), concerning inspections and standardization activities related to grain and similar commodities and products thereof has been delegated to the administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7CFR 68.2(e)).

Agricultural Marketing Service

7 CFR Parts 907 and 908

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action invites written comments on a proposal to amend the administrative rules and regulations of the California-Arizona navel and Valencia orange marketing orders to establish procedures to be used by handlers when exercising the marketing incentive allotment option. The proposed action was unanimously recommended by the Navel and Valencia Orange Administrative Committees.

DATE: Comments due February 8, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this notice. Comments must be sent in triplicate to the Docket Clerk, F&V, AMS, USDA, Room 2085, South Building, P.O. Box 96456, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular working hours.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION:

This rule is proposed under Marketing Order Nos. 907 and 908 (7 CFR Parts 907 and 908), as amended, regulating the handling of navel and Valencia oranges grown in Arizona and designated parts of California. These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of navel oranges and 115 handlers of Valencia oranges subject to regulation under their respective orders, and approximately 4,065 producers of navel oranges and 3,500 producers of Valencia oranges in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three fiscal years of less than $100,000, and small agricultural service firms are defined as those whose gross annual revenues are less than $3,500,000. The great majority of California-Arizona navel and Valencia orange producers and handlers may be classified as small entities.

The navel and Valencia orange marketing orders were amended on January 11, 1985, (50 FR 1429), to provide for marketing incentive allotments (MIA's). The Navel and Valencia Orange Administrative Committees (NOAC/VOAC) have recommended amendments to the respective rules and regulations to supplement the applicable provisions.

Sections 907.54(a) and 908.54(a) of the regulations authorize general maturity allotments. For each prorate week, the NOAC/VOAC calculates the quantity of oranges (allotment) which may be handled by each handler during such week. Sections 907.54(b) and 908.54(b) of the respective orders authorize the use of MIA's. Under these sections, MIA's may be used by handlers during three separate prorate weeks, and are limited to 10 percent of each handler's weekly allotment. The intent of an MIA is to provide handlers additional allotment for market development programs and to allow handlers to take advantage of special marketing opportunities. As stated in the order, MIA's may be used by handlers upon prior notification to the applicable committee. The orders do not specify how such notification should be made or the time limits or date requirements for such notification. Currently, handlers notify the NOAC/VOAC management of their intention to use MIA's by telephone prior to the beginning of the week in which the MIA would be used. However, there is no official documentation submitted by the handler confirming this intention. Hence, the opportunity exists for misunderstandings and later factual disputes regarding these phone conversations. For purposes of compliance, therefore, it is imperative that the election to use the marketing incentive allotment be documented before any shipments are made in a specific prorate week. The proposed amendments would establish procedures to aid the marketing order committees in monitoring the use of MIA's by adding new §§ 907.109 and 908.109 to the administrative rules and regulations issued under the respective orders. These sections would specify that handlers notify their respective committees prior to noon on the Thursday immediately before the beginning of the week in which such allotments are to be used, on a form prescribed by the NOAC/VOAC. Requiring this notice immediately prior to the beginning of a prorate week in which the MIA would be used would allow the NOAC/VOAC to adequately monitor the use of such allotments and prevent possible abuses.

Based on available information, the Administrator of the AMS has determined that issuance of this proposed rule would not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provision that is included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). It will not be made effective until OMB approval has been obtained.

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements and orders, California, Arizona, Oranges, Navel, Valencia.

For the reasons set forth in the preamble, 7 CFR Parts 907 and 908 are proposed to be amended as follows:

1. The authority citation for 7 CFR Parts 907 and 908 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. Sections 907.109 is added to read as follows:

Subpart—Rules and Regulations

§ 907.109 Marketing incentive allotments.

(a) Handlers intending to use marketing incentive allotments shall notify the committee of such intention

prior to noon on the Thursday immediately before the beginning of the week in which such allotments are to be used. This notice shall be submitted on a form prescribed by the committee. A separate notice shall be filed for each week in which marketing incentive allotments are to be used.

(b) Marketing incentive allotments shall be used only during the week specified in the notice submitted by the handler, and may not be loaned or transferred. Once this notice is submitted, the week specified therein shall constitute one of the three weeks per season during which the handler may use marketing incentive allotments.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

3. Section 908.109 is added to read as follows:

Subpart—Rules and Regulations

§ 908.109 Marketing incentive allotments.

(a) Handlers intending to use marketing incentive allotments shall notify the committee of such intention prior to noon on the Thursday immediately before the beginning of the week in which such allotments are to be used. This notice shall be submitted on a form prescribed by the committee. A separate notice shall be filed for each week in which marketing incentive allotments are to be used.

(b) Marketing incentive allotments shall be used only during the week specified in the notice submitted by the handler, and may not be loaned or transferred. Once the notice is submitted, the week specified therein shall constitute one of the three weeks per season during which the handler may use marketing incentive allotments.

Dated: December 31, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88-223 Filed 1-6-88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 979

Melons Grown in South Texas; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 979 for the 1987–88 fiscal year for melons grown in South Texas. Funds to administer this program are derived from assessments on handlers.

DATE: Comments must be received by January 19, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2536–S, Washington, DC 20090–6456, telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 979 (7 CFR Part 979) regulating the handling of melons grown in South Texas. This order is effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 35 handlers of Texas melons under this marketing order, and approximately 72 Texas melon producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

The marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable melons handled from the beginning of such year. An annual budget of expenses is prepared by the committee and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of melons. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments of melons. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The South Texas Melon Committee met on November 10, 1987, and unanimously recommended a 1987–88 budget of $251,811.06 and an assessment rate of $0.05 per carton. This compares to the 1986–87 budget of $197,695.96 and an assessment rate of $0.02 per carton. There is an additional $54,115.10 over last year's budget, reflecting an increase in the promotional program allotment of $12,231.90 and $31,100.00 for a new production research project. The recommended assessment rate, when applied to anticipated shipments of 9.2 million cartons, would yield $460,000 in assessment revenue. The revenues collected in excess of expenses would be used to increase the operating reserve. A larger reserve fund has been deemed necessary to allow the committee to function in times of shortfalls in production. Last season, for example, excessive rainfalls reduced shipments to less than half the volume anticipated, resulting in insufficient assessment income to cover operating expenses. The $208,188.94 surplus, when added to the current reserve, would result in a yearend reserve of $316,509.27. This total is within the limit of two fiscal periods' expenses allowed by the order.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed onto producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 979

Marketing agreements and orders, Melons (Texas).

For the reasons set forth in the preamble, it is proposed that § 979.210 be added as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 979 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 979.210 is added to read as follows:

§ 979.210 Expenses and assessment rate.

Expenses of $251,811.06 by the South Texas Melon Committee are authorized, and an assessment rate of $0.05 per carton of melons is established for the fiscal period ending September 30, 1988. Unexpended funds may be carried over as a reserve.

Dated: December 31, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–224 Filed 1–6–88; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 981

Expenses and Assessment Rate for California Almond Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This rule invites written comments on a proposal to authorize expenditures and establish an assessment rate for the 1987–88 marketing year under Marketing Order No. 981 for California almonds. Funds to administer this program are derived from assessments on handlers.

DATE: Comments must be received by January 19, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2085, South Building, P.O. Box 96456, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Order Administration Branch, Room 2525, South Building, F&V, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are an estimated 105 handlers of almonds subject to regulation under the marketing order for California almonds during the current season. There are approximately 7,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California almonds may be classified as small entities.

This proposed action would revise § 981.36 under Marketing Agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California. Section 981.336 was established by a final rule published in the **Federal Register** December 1, 1987, (52 FR 45611). Section 981.336 currently states that an assessment rate for the crop year ending June 30, 1988, payable by each handler, shall be established in accordance with § 981.81 of the order, less any amount credited pursuant to § 981.41, but not to exceed 2.5 cents per pound of almonds (kernelweight basis).

Section 981.41 provides that the Almond Board of California (Board) may give handlers credit against their assessment obligations for their own direct expenditures for authorized marketing promotion, including paid advertising activities. Thus, § 981.336 has already established the maximum amount of 1987–88 crop year handler assessments that may be credited at 2.5 cents per pound of almonds (kernelweight basis).

This proposed action would revise § 981.336 to authorize Board expenses for the crop year ending June 30, 1988, of $15,995,334 and establish an assessment rate for that crop year of 2.8 cents per pound (kernelweight basis), while retaining the 2.5 cents per pound creditable rate.

The proposed 2.8 cent per pound 1987–88 assessment rate compares with a 1986–87 assessment rate of 2.6 cents per pound. While the 2.5 cent per pound creditable rate is the same as the 1986–87 rate, the .3 cent per pound non-creditable portion of the proposed assessment, which handlers must pay to the Board, is higher than the .1 cent per pound 1986–87 rate. The 1986–87 rate was exceptionally low due to an accumulation of reserve funds.

Proposed 1987–88 expenses of $15,995,334 compare with 1986–87 budgeted expenses of $7,400,088. Proposed 1987–88 budget categories are $676,097 for administrative expenses, $256,837 for production research, $758,300 for public relations, and $54,100 for the 1988 crop estimate. Comparable actual expenditures for the 1986–87 crop year were $411,597, $185,734, $349,835, and $51,600, respectively. The remaining $14,250,000 of proposed 1987–88 expenses is the estimated amount which handlers will spend in their own marketing promotion activities based on

a projected 1987–88 marketable production of 570,000,000 kernelweight pounds and assumes that all handlers receive full credit against the 2.5 cent per pound creditable assessment obligation. For the 1986–87 crop year, $6,100,000 was budgeted for handler marketing promotion activities based on a projected marketable production of 244,000,000 kernelweight pounds. An actual figure is not yet available because handlers have until December 31, 1987, to complete market promotion activities for which they may receive credit toward their 1986–87 crop year creditable assessment obligation. The Board believes that the much larger 1987–88 crop will result in proportionately higher handler expenditures for marketing promotion. These additional expenditures are deemed appropriate in view of the estimated size of the 1987–88 crop.

Income for 1987–88 is expected to total $1,606,500, including assessments of $1,551,500, debt collection of $50,000, and interest income of $5,000. The remainder of the $15,995,334 is expected to be offset by handlers' creditable promotion activities.

Marketing Order No. 981 requires that the assessment rate for a particular marketing year shall apply to all almonds received by handlers for their own accounts from the beginnning of such year. An annual budget of expenses is prepared by the Board, which was established under the order for the purpose of administering the program, and submitted to the Department of Agriculture for approval. Members of the Board are handlers and producers of California almonds. This is appropriate because they are familiar with the Board's needs and with the costs for goods, services, and personnel in their area and are, thus, in a position to formulate and appropriate budget. The budget is formulated and discussed in public meetings; thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Board is derived by dividing anticipated expenses by the number of kernelweight pounds of almonds expected to be received by handlers for their own accounts. That rate is applied to actual receipts to produce income sufficient to pay the Board's expected expenses.

While this proposed action may impose some additional costs on handlers, including small entities, the costs would be in the form of uniform assessments on all handlers which would not have a significant economic impact on the entities involved. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order.

Based on available information, the Administrator of the Agricultural Marketing Service has determined that the issuance of this proposed rule would not have a significant economic impact on a substantial number of small entitles.

The Board does not recommend its annual budget and rate of assessment until shortly after the season starts because information on which to estimate receipts is not available until that time. Expenses are incurred on a continuous basis. The budget and assessment rate approval should be expedited in order that the Board will have funds to pay its expenses. Accordingly, it is found that a comment period of less than 30 days is appropriate.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, California.

For the reasons set forth in the preamble, Part 981 is proposed to be amended as follows:

PART 981—[AMENDED]

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 981.336 is revised to read as follows (the following section would prescribe the annual expenses and assessment rate and would not be published in the Code of Federal Regulations):

Almonds Grown in California

§ 981.336 Expenses and assessment rate.

Expenses of $15,995,334 by the Almond Board of California are authorized for the crop year ending June 30, 1988. An assessment rate for that crop year payable by each handler in accordance with § 981.81 is fixed at 2.8 cents per pound of almonds (kernelweight basis) less any amount credited pursuant to § 981.41, but not to exceed 2.5 cents per pound of almonds (kernelweight basis).

Dated: December 31, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–222 Filed 1–6–88; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

High-Level Waste Licensing Support System Advisory Committee (Negotiated Rulemaking); Cancellation of January, 1988 Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Cancellation of January 1988 Meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) is cancelling the fifth meeting of the High-Level Waste Licensing Support System Advisory Committee previously scheduled for January 25–26, 1988. The NRC is taking this action to allow time to assess the impact of recently enacted legislation that amends the Nuclear Waste Policy Act. This legislation may require changes in the direction given to the Licensing Support System Advisory Committee. The NRC is not making any change at this time in the date for the February 11–12, 1988 meeting.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The NRC is cancelling the fifth meeting of the High-Level Waste Licensing Support System Advisory Committee ("negotiating committee") that was scheduled for January 25–26, 1988, in Denver, Colorado. This meeting was previously noticed in the **Federal Register** on December 22, 1987 (52 FR 48447). The Committee, established under the authority of the Federal Advisory Committee Act, is tasked with developing recommendations for revision of the Commission's Rules of Practice in 10 CFR Part 2 related to the adjudicatory proceeding for the issuance of license for a geologic respository for the disposal of high-level waste (HLW).

Recently enacted legislation amended the Nuclear Waste Policy Act to change the respository site selection process. These changes may require changes in the directions given to the negotiating committee. The NRC is, therefore, cancelling the previously scheduled January 25–26, 1988 meeting to allow the Commission to assess the impact of this legislation on the operation of the Committee. The Commission does not presently intend to terminate the negotiated rulemaking on the

implementation of the licensing support system. No change in the meeting of the committee scheduled for February 11–12, 1988, is being made at this time.

Dated at Bethesda, Maryland, this 4th day of January 1988.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 88–239 Filed 1–6–88; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL ELECTION COMMISSION

11 CFR Parts 109 and 114

Corporate and Labor Organization Expenditures

AGENCY: Federal Election Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Election Commission announces its decision to initiate a rulemaking to determine what changes in its regulations are warranted following the Supreme Court opinion in *Federal Election Commission v. Massachusetts Citizens for Life, Inc.*, _____ U.S. _____, 107 S. Ct. 616 (1986) ("*MCFL*"). This rulemaking will include, but not be limited to, the issue raised by the National Right to Work Committee in a Petition for Rulemaking filed with the Commission on February 24, 1987.

DATE: Comments must be received on or before March 7, 1988.

ADDRESS: Comments must be in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC, 20463, (202) 376–5690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On December 15, 1986, the Supreme Court issued its decision in *Federal Election Commission v. Massachusetts Citizens for Life, Inc.*, _____ U.S. _____, 107 S. Ct. 616 ("*MCFL*"). This decision marked the first time the Supreme Court has distinguished between types of corporations when considering the constitutionality of 2 U.S.C. 441b. In *MCFL*, the Supreme Court found that certain kinds of nonprofit corporations do not exhibit the characteristics which Congress legitimately perceived as exerting an undesirable influence on the electoral process. Consequently, an application of the broad prohibitions of section 441b to independent expenditures by these nonprofit corporations was held unconstitutional.

The Court's decision contains many qualifications and suggestions for determining which nonprofit corporations fit into this exempt category and how the activities of these corporations fit into the overall structure of the Federal Election Campaign Act (2 U.S.C. 431 *et seq.*). A petition for rulemaking filed by the National Right to Work Committee ("NRWC") has asked the Commission to focus on one particular aspect of the opinion. This latter point concerns whether the standard for determining if a corporate or union expenditure is in violation of section 441b should be a determination that the expenditure involves "express advocacy." NRWC has asked the Commission to revise its regulations to incorporate the "express advocacy" test as the standard for judging such expenditures, specifically with reference to 11 CFR 114.3 and 114.4.

The Commission today is initiating a rulemaking to address the various questions raised by the *MCFL* case and to determine to what extent new or revised regulations may be needed in light of the Court's decision. Since the express advocacy issue is one of the points that will be examined in the course of this rulemaking, the Commission considers this Advance Notice of Proposed Rulemaking to be, in part, a response to the NRWC petition.

A. NRWC Petition for Rulemaking

On February 24, 1987, the National Right to Work Committee filed a petition for rulemaking with the Commission. The petition requested that the Commission initiate a rulemaking to modify 11 CFR 114.3 and 114.4 which in the view of the petitioner are now unconstitutional under the *MCFL* case. Specifically, the petitioner argued that, based on the Supreme Court's opinion in *MCFL*, section 441b of the Federal Election Campaign Act (2 U.S.C. 431 *et seq.*) no longer prohibits independent expenditures made by corporations unless they "expressly advocate" the election or defeat of a candidate. The NRWC petition requested a revision of §§ 114.3 and 114.4 to substitute the express advocacy standard for the terms "partisan" and "nonpartisan" currently used. The terms partisan and nonpartisan communications are general standards used by the Commission in these sections to determine whether communications by corporations and labor organizations made with their treasury funds constitute permissible activity under the statute.

The Commission published a Notice of Availability on May 4, 1987, to invite public comment on the petition and received comments from one interested person. See, 52 FR 16275. The Commission also sought comments from the Internal Revenue Service pursuant to 2 U.S.C. 438(f). The IRS, after reviewing the NRWC petition, found no conflicts with the provisions of the Internal Revenue Code or regulations promulgated thereunder.

Several important questions are raised by the Court's discussion of "express advocacy" in *MCFL*. Perhaps the most significant of these concerns the status of this portion of the opinion. Since the Court found that the MCFL communications at issue contained express advocacy, the discussion of that point is *dicta*—that is, it is unnecessary to the holding of the Court and thus does not represent a final resolution of this issue. See *MCFL*, 107 S. Ct. at 623. Because express advocacy is not a necessary part of the decision in the *MCFL* case, the Court's brief treatment of this point leaves open some critical questions that would have to be resolved before a rulemaking could be finalized in this area. For example, an express advocacy test is more logically applied to independent expenditures that solely involve communication. However, the concept of expenditures under section 441b is much broader, including election activities that involve some communication (such as voter drives, covered under 11 CFR 114.3(c)(4) and 114.4(c)), and election-related activities that have no direct communication component (such as the use of corporate or labor organization facilities, covered under 11 CFR 114.9).

Thus, the Commission welcomes comment initially on the issue of whether it should engage in rulemaking on the application of express advocacy to expenditures under section 441b. Given the status of the Court's statement as *dicta*, should the Commission revise its regulations before the Court has an opportunity to clarify its position in a case that directly presents this question?

If the Commission does go forward on this point, to what extent should the application of the express advocacy test be limited? While it may be argued that express advocacy should be the standard for judging independent expenditures by corporations and labor organizations that solely involve communications, should the Commission draw a line between those activities and others in which communication plays little or no part?

How would a line of this nature be delineated in a regulatory context?

The Commission notes, in this regard, that the NRWC petition itself only relates to §§ 114.3 and 114.4 of the regulations, which govern partisan and nonpartisan communications by corporations and labor organizations. It may be that the petition should truly be confined to § 114.4, as § 114.3 deals with communications to a corporation's or union's restricted class and is based on the statutory provision allowing these organizations to communicate with this class of persons "on any subject." See 2 U.S.C. 441b(b)(2)(A). Thus, under § 114.3 of the regulations, it is unnecessary to determine whether a communication constitutes express advocacy as all communications are permitted. The Commission welcomes comments on this point.

Another point for consideration is whether the nonpartisan standard in § 114.4 can be interpreted by the Commission in a manner consistent with the express advocacy test. If the Commission determines to accept express advocacy as the new standard for these communications, is any regulatory revision necessary?

Finally, if the Commission does draft rules on express advocacy, to what extent should the rules attempt to further define this term? Current 11 CFR 109.1(b)(2) contains a definition of "expressly advocating." Two cases issued subsequent to the promulgation of that regulation have offered additional views on the meaning of this phrase. See, *MCFL, supra*; *FEC v. Furgatch*, 807 F.2d 857 (9th Cir. 1987), cert. denied, Oct. 5, 1987. The Commission seeks comments on whether the current definition of "express advocacy" warrants revision in light of the recent case law and, if so, how this definition should be revised.

B. Other Issues Addressed by MCFL Decision

The central holding in *MCFL* concerned the constitutionality of 2 U.S.C. 441b as appled to independent expenditures by certain non-profit corporations. The Court held that non-profit corporations exhibiting characteristics similar to MCFL should be permitted to make independent expenditures without violating section 441b, although the Court preserved the prohibition against contributions by all corporations. In so holding, the Court delineated several factors that a corporation must meet to qualify for this exemption, and also noted some reporting and other requirements these organizations would have to satisfy if they engage in this activity. The Commission is considering whether to draft regulations that would spell out the qualifying process for this exemption and the other requirements discussed by the Court.

First, the Court focussed on MCFL's small size and lack of formal organization, noting that these factors made the requirements of forming a political committee overly burdensome for these corporations. The Commission is therefore considering these factors as possible threshold questions and welcomes comments on how these points could be incorporated into any new regulations in this area. In particular, what should be considered when determining that a non-profit corporation is "small" and "lacks formal organization?" Alternatively, are these terms sufficiently descriptive that greater specificity should be left to case by case analysis?

Assuming a non-profit corporation meets these basic requirements, the Court then set out a three-part test for determining which corporations qualify for an exemption as "MCFL-type" corporations. As stated in the opinion, an organization must:

(1) Be formed for the express purpose of promoting political ideas, and cannot engage in business activities;

(2) Have no shareholders or other persons affiliated who would have a claim on its assets or earnings; and

(3) Not be established by a business corporation [or labor organization], nor may it accept contributions from such entities.

See, *MCFL supra* at 631.

The implementation of this three-part test raises additional questions that may need to be addressed. For example, how should the Commission determine whether a non-profit corporation is "formed for the express purpose of promoting political ideas?" Must its articles of incorporation be so limited? What is included in the concept of "business activities?" On this latter point, the Commission notes that the Court distinguished business activities from "political fundraising events [that are] expressly denominated as requests for contributions that will be used for political purposes." *Id.*

With respect to the second criterion, relating to the absence of shareholders, the Court indicated its intention that "persons connected with the organization * * * have no economic disincentive for disassociating with it if they disagree with its political activity." *Id.* The Commission welcomes comments on how to incorporate this standard into the regulations.

The third criterion, as described by the Court, requires that the organization not be formed by a business corporation of accept contributions from such entities. This focus on corporations presumably derives from the facts presented in *MCFL*, which solely concerned corporations. The Commission assumes, given the coverage of section 441b, that this criterion would apply equally to labor organizations. Comments are welcomed on this point.

If a non-profit corporation qualifies under this test, it may then use its treasury funds to make independent expenditures without violating section 441b. However, the Court contemplated that these organizations would have to comply with certain disclosure and solicitation requirements. The Court noted that MCFL-type corporations which make independent expenditures of $250 or more will trigger the reporting provisions of 2 U.S.C. 434(c). If so, they must disclose the identity of "all contributors who annually provide in the aggregate $200 in funds intended to influence elections, will have to specify all recipients of independent spending amounting to more than $200, and will be bound to identify all persons making contributions over $200 who request that the money be used for independent expenditures." *Id.* at 630. In addition, to avoid the problem of contributors who do not want the organization to use their contributions for electoral, as opposed to more general, political purposes, the Court suggested that these organizations might be required to inform their contributors that their funds may be used for electoral purposes. *Id.*

These two points raise some inter-related questions. Should organizations be required to inform contributors of a right to designate their contributions for use in elections or that their contributions not be used for electoral purposes? If contributions are undesignated, are they then presumed for use in elections and, thus, reportable? Conversely, can these organizations only make independent expenditures from funds designated for use in elections? Are there any limits on who can be solicited for contributions (apart from the corporate prohibition) and is there any limit on the amount any one individual may contribute?

The Court's opinion also envisions some limit on the ability of a non-profit corporation to use treasury funds for independent expenditures. If the level of political spending "become[s] so extensive that the organization's major purpose may be regarded as campaign activity," the opinion provides that the corporation may be classified as a political committee. *Id.* This limit on the

use of the corporate form also generates some implementation questions. For example, at what point does campaign activity become an organization's "major purpose?" What factors should be considered in making this determination? Should this consideration include the percentage of funds used for campaign activity? If so, how would the Commission monitor this percentage?

How should a "major purpose" test interact with the Court's requirement that a corporation be "formed for the express purpose of promoting political ideas" in order to qualify, in the first instance, as an MCFL-type corporation? What distinguishes "campaign activity" from other political spending? Apart from recordkeeping and reporting, what other consequences should result from reclassification as a political committee?

C. Conclusion

The Commission welcomes comments and suggestions on whether a rulemaking in this area is warranted at this time. In addition, the Commission seeks comments and suggestions on the issues raised in this Notice and any other issues that could be addressed if the Commission determines to engage in rulemaking on these points.

Thomas J. Josefiak,

Chairman, Federal Election Commission.

Dated: January 4, 1988.

[FR Doc. 88-205 Filed 1-6-88; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

[Docket No. 71283-7283]

Export Control Policy Forum on Technical Data Export Controls

AGENCY: Export Administration, Commerce.

ACTION: Notice of forum on technical data controls, request for comments.

SUMMARY: Consistent with the U.S. Department of Commerce's commitment to solicit industry comment and involve industry in the implementation of export control programs, Export Administration is sponsoring a public forum on technical data export controls.

DATE: February 11, 1988, from 8:30 a.m. to 1:00 p.m. Registration for the Forum will start at 8:00 a.m.

ADDRESS: The Forum will be held in Washington, DC at the Commerce Department's, Herbert C. Hoover Building, 14th Street and Pennsylvania Avenue NW., Room 4830.

FOR FURTHER INFORMATION CONTACT: Kenneth Cutshaw, Office of the Deputy Assistant Secretary for Export Administration, Room 3888, U.S. Department of Commerce, P.O. Box 273, Washington, DC (Telephone: (202) 377-5711).

SUPPLEMENTARY INFORMATION: Commerce is currently reviewing the purpose, basis, impact, and effectiveness of the licensing requirements for exports of technical data (Part 379 of the Export Administration Regulations). The scope of the study is outlined below in this Supplementary Information section. The Department is especially interested in soliciting suggestions from industry that may improve the technical data controls and yet continue to address national security and foreign policy concerns.

Interested industry members are encouraged to present their views orally at this Forum. Each speaker will be limited to 10 minutes, and comments must be directly related to the technical data export controls. Prospective speakers must submit their position papers (10 copies) to the listed information contact before February 4; the Department will then contact speakers to arrange presentation times. Speakers and attendees will be seated on a first-come, first-served basis. Any speaker who wishes to distribute copies of a presentation to the attendees should bring extra copies to the Forum on February 11.

Anyone expecting to attend this Forum is asked to inform Ms. Toni Jackson ((202) 377-8760) at the earliest opportunity so that the Department can determine whether Room 4830 will be large enough to accommodate those wishing to attend.

A. Statement of Purpose of Forum

The presentations at the Forum will assist the Department of Commerce in learning more about industry perspectives on the administration of technical data export controls. The Department requests the speakers to provide suggestions on revising Part 379 ("Technical Data") of the Export Administration Regulations (EAR) in order to clarify the regulatory provisions, further U.S. export control objectives, and better serve the needs of the U.S. business community.

Points of view should address, but are not limited to, the following:

1. The effectiveness of technical data controls in preventing diversion of U.S. technology;

2. The compatibility of the application of technical data controls with international agreements and existing business practices;

3. Alternative definitions of "operation" technical data, "sales" technical data, "direct products" of technical data, and "software";

4. The application of technical data controls to COCOM countries, non-COCOM free world countries, the People's Republic of China, and Eastern European countries;

5. Revisions of the licensing requirements (general and validated) covering technical data;

6. Licensing requirements related to training materials and servicing of controlled commodities;

7. Written assurance requirements outlined in § 379.4(f) of the EAR;

8. Technical data reexport provisions outlined in § 379.8 of the EAR;

9. Licensing requirements for "direct products" of technical data;

10. Exports by disclosure to foreign nationals;

11. The treatment of know-how as retaining its U.S.-origin even though commingled with foreign know-how;

12. Application of the technical data controls to plant tours by foreign nationals;

13. The limitation of the "sales" technical data provisions in GTDR to only "sales" technical data that is not related to a commodity identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List;

14. Application of the technical data controls to exports of software sold in retail stores;

15. The availability of GTDA for know-how on the public record in the form of a patent, copyright, or other intellectual property;

16. The control of all software for computer-aided design, manufacture, inspection or test of an "A" item on the Commodity Control List;

17. Control of technical data exported via satellite;

18. Control of technical data sold by software banks and data utility banks;

19. The appropriate terms and conditions for a comprehensive operations license for technical data;

20. Additions or deletions of critically controlled items that are subject to Part 379 controls; and

21. Other suggestions or options for amending the technical data controls.

The Militarily Critical Technologies List Implementation Technical Advisory Committee (MITAC) has proposed a revision of the technical data controls. Commerce requests comments on the

MITAC proposal. A copy of the MITAC proposal may be obtained from Ms. Toni Jackson, Department of Commerce, Room 3886A, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Telephone: (202) 377–8760. The Forum will begin with a presentation on the MITAC proposal.

B. Purpose of Controls

The Department of Commerce requires specific authorization for any export of technical data controlled for national security or foreign policy reasons. As defined by § 379.1 of the EAR, "technical data" is information of any kind that can be used, or adapted for use, in the design, production, manufacture, utilization, or reconstruction of articles or materials. The data may take a tangible form such as a blueprint, prototype, model, or an operating manual; or they may take an intangible form, such as technical service. All software is considered technical data.

The Department of Commerce imposes controls only when such controls are necessary to further fundamental national security, foreign policy, or short supply objectives. The Department intends that any review of controls on commodities or technology will be conducted in consultation with representatives of appropriate U.S. Government agencies and private industry. To this end, the Forum on technical data controls will provide industry an opportunity to contribute toward regulatory revisions and clarifications. This effort will better serve the interests of both the U.S. Government and exporters.

C. Basis for Controls

Pursuant to Part 379 of the EAR, exports of technical data must be made under either a Department of Commerce general license or an individual validated export license. General Licenses GTDA and GTDR apply to specific types of exports of technical data. A validated license is required for any export of technical data where these general licenses do not apply, except in the case of certain exports to Canada. Section 379.3 and 379.4 outline the requirements for shipments of technical data under GTDA and GTDR; § 379.5 outlines the requirement for export of technical data under a validated license.

D. Notes on Current Implementation

Generally, applications for the export or reexport of technical data to most free world destinations are considered favorably on a case-by-case basis, unless there is a significant risk that such technical data will be used or diverted contrary to the objectives of specific export controls.

Section 379.4(a) of the EAR prohibits the export of technical data to Country Groups S and Z under General License GTDR. Section 379.4(b) provides for certain restrictions on the export of technical data under GTDR to Country Groups Q, T, V, W and Y, Afghanistan and the People's Republic of China. Exports and reexports of technical data that do not fall within the requirements of either General License GTDA or GTDR are subject to a validated license requirement.

Dated: January 5, 1988.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 88–291 Filed 1–5–88; 2:30 pm]

BILLING CODE 3510-DT-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 62

National Flood Insurance Program; Assistance to Private Sector Property Insurers

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the National Flood Insurance Program (NFIP) regulations for the "Write-Your-Own" (WYO) Program under which private sector insurers may issue and service policies of flood insurance backed by the Government. The proposed amendments involve the investing of income and details of cash management; reimbursement of state or municipal tax; damages arising outside the scope of the Arrangement; revision of the commission allowance provisions; responsibility for including mortgagees in claim payments; the right of a WYO Company to reject flood insurance applications, which would then be referred to the NFIP Servicing Agent (and the waiting period rule for the effective date of coverage in these cases); and various kinds of audits: Audits for cause, triennial financial audits and triennial reviews of claims operations and of underwriting/policy administration operations.

DATE: All comments must be received on or before March 7, 1988.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472; telephone number (202) 646–3422.

SUPPLEMENTARY INFORMATION: This proposed rule would amend the National Flood Insurance Program (NFIP) regulations dealing with the underwriting, claims adjustment, and financial control operational procedures established by the Federal Insurance Administrator in connection with the "Write-Your-Own" (WYO) Program authorized pursuant to Subpart C, Part 62 of the NFIP regulations and section 1310 of the National Flood Insurance Act of 1968, as amended (Pub. L. 90–448, 42 U.S.C. 4001, *et seq.*).

Under the WYO Program, the Standard Flood Insurance Policy (the form and substance of which is approved by the Administrator) may be issued by insurers signatory to Financial Assistance/Subsidy Arrangements (the Arrangement) in their own names. Insurers then are responsible for all aspects of service, including policy issuance to new policyholders and to policyholders insured by them under other lines of property insurance; endorsement and renewal of policies; and the adjustment of claims brought under the policies. The insurers retain a specified amount of the premium for their expenses, including the commissions of agents. Under the Arrangement (Appendix A to Part 62 of the NFIP regulations), the Government provides such additional funds as may be required, over and above the net premium income, for the payment of claims.

The revisions to Articles II.E, IV.A, and VII.A of the Arrangement reflect the elimination of the provision for WYO Companies to invest excess funds (which could only be invested in U.S. Treasury obligations). Due to cash management procedures being used, there is no longer a need for an investment provision.

A revision to Article III.B of the Arrangement eliminates the option for a WYO Company to pay 3% of its written premium on the policies covered by the Arrangement for the right to receive a dollar for dollar reimbursement for actual state or municipal taxes paid on the policies covered by the Arrangement. No company has exercised this option since the WYO Program was initiated in 1983. A number of WYO Companies are members of

rating organizations and as such can employ services of those organizations that would be of benefit to the NFIP, specifically studies and investigations regarding flood insurance risk premium rates on a community or individual basis. Another revision to Article III.B would provide for a WYO Company to employ such services and be reimbursed for them.

The revision to Article VII.B of the Arrangement removes cash management details and replaces them with a reference to the WYO Accounting Procedures Manual, where all such requirements are provided in more detail.

The revision to Article III.D clarifies reimbursement of a WYO Company for awards or judgments for damages arising outside the scope of the claims processing standards and guides of the Arrangement or other provisions of the Arrangement.

A proposed rule published in the **Federal Register** on May 20, 1987 (52 FR 18929) would revise the flood insurance commission allowances paid to property insurance agents and brokers for the procurement of new flood insurance policies, and renewals thereof, on behalf of policyholders insured by the NFIP through its Servicing Agent. At that time, it was indicated that commission arrangements under the WYO Program would be addressed in Fiscal Year 1988. This proposed rule does that, in that it would revise the current commission allowance in the Arrangement from 15% to 13%. To further the WYO Program goal of increasing the NFIP policy-in-force base, this proposed rule would also provide for a WYO commission allowance for each WYO Company, in addition to the proposed 13%. The additional commission allowance would be one-tenth of a percent for each 1% increase in the NFIP policies-in-force for that WYO Company during each Arrangement Year, subject to a cap of 3% for this additional commission allowance.

The revision to Article IX of the Arrangement reflects an industry practice which some WYO companies have indicated that they may follow of issuing policies, especially in the case of condominium coverage, without listing names of mortgagees, and assures that if this practice is followed, it will not impose additional costs upon the United States in the event that a mortgagee, of which a WYO Company had actual notice prior to making a claim payment without including that mortgagee, seeks payment.

The right of a WYO Company under the WYO Program to reject flood insurance applications, which would then be referred to the NFIP Servicing Agent, has been clarified, and the rule governing the effective date of coverage in these cases has also been clarified.

The changes in the Statistical Plan Reconciliation Procedures in the Financial Control Plan are proposed for three reasons. First, some of the wording is being clarified. Second, because the Financial Control Plan was initially written prior to development of some of the computer systems used to process the statistical submissions, the language needs to be updated to conform with controls and reports that are possible and appropriate within the constraints of the systems as implemented. Third, program experience has necessitated the implementation of an expanded front-end balancing procedure for the statistical tape submissions and this is appropriately included in the Financial Control Plan.

Based on the experience thus far in the WYO Program in conducting operation reviews of WYO Companies for claims and for underwriting/policy administration, clarification and change to these provisions of the WYO Financial Control Plan are being proposed. For example, for underwriting/policy administration operation reviews, one exhibit has been revised, other exhibits have been specified as optional, the examples of critical errors have been expanded, and the error percentage standard has been made more flexible. For both kinds of operation reviews, the standard for the number of files examined has been made more flexible to take into account the wide variation in the number of policies or claims from one WYO Company to another.

Provisions are being proposed in the WYO Financial Control Plan for triennial financial audits and audits for cause of WYO Companies. The triennial financial audits, which would be in addition to the triennial operation reviews for claims and for underwriting/policy administration, would provide FEMA with independent assessment of the integrity of financial data reported by WYO Companies to FEMA and generally of the quality of financial controls over activities relating to a WYO Company's participation in the WYO Program. The provisions on audits for cause would provide criteria for when such audits would be concluded.

A few other changes of an editorial or clarifying nature are contained in this proposed rule.

FEMA has determined, based upon an Environmental Assessment, that this proposed rule will not have significant impact upon the quality of the human environment. As a result, an Environmental Impact Statement will not be prepared. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

This proposed rule will not have significant economic impact on a substantial number of small entities and therefore has not undergone regulatory flexibility analysis.

This proposed rule is not a "major rule" as defined in Executive Order 12291, dated February 27, 1981, and, hence, no regulatory analysis has been prepared.

FEMA has determined that this proposed rule does not contain a collection of information requirement as described in section 3504(h) of the Paperwork Reduction Act.

List of Subjects in 44 CFR Parts 61 and 62

Flood insurance, Claims.

Accordingly, it is proposed to amend 44 CFR Chapter I, Subchapter B, as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 61.11 [Amended]

2. Section 61.11 is amended by adding to the end of the first sentence of paragraph (e) the following:

* * * * *

(e) * * *, except where a WYO Company receives an application and premium payment from one of its agents which is referred to the NFIP Servicing Agent because the WYO Company does not wish to write the business, in which case any applicable waiting period under this section shall be calculated in accordance with the first sentence of paragraph (f) of this section.

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

3. The authority citation for Part 62 is revised to read as set forth below, and the authority citations following all the sections in Part 62 are removed.

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 62.23 [Amended]

4. Section 62.23 is amended as follows:

a. By removing in paragraph (c) the word "will" and adding in its place the words "is authorized to".

b. By removing in paragraph (h)(5) the words "a producer, the producer" and adding in their place the words "an agent or a producer, the agent or producer".

c. By revising paragraph (j)(4) to read as follows:

* * * * *

(j) * * *

(4) Participate in WYO Company/FIA Operation Reviews. The FIA Claims Director or designee and the FIA Underwriting Director or designee will conduct a review of the WYO Company flood insurance activities at least once every three (3) years. A report of the Operation Review will be filed with the Standards Committee.

* * * * *

d. In paragraph (j)(5) by adding after the phrase "WYO Statistical Plan" both times it appears the phrase "and the WYO Accounting Procedures Manual", by removing in the last sentence the word "total" and adding in its place the word "totals", and by adding in the last sentence after the word "Company" and before the word "reports" the word "reconciliation".

e. In paragraph (j) (7) and (8), by removing the word "Cooperation" and adding in its place the word "Cooperate".

Appendix A to Part 62—[Amended]

5. Appendix A to Part 62, *Financial Assistance/Subsidy Arrangement,* is amended as follows:

a. Article II—Undertakings of the Company, is amended by removing in section E all sentences after the first sentence and adding in their place the following sentence:

* * * All funds not required to meet current expenditures shall be remitted to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual.

b. Article III—Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds, is amended by adding "marketing," in the first sentence of the first paragraph of section B after the word "Company's" and before the word "operating".

c. Article III—Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds, is amended by removing the second and third paragraphs of section B and adding in their place the following three paragraphs:

The Company shall be entitled to withhold 13.0% of the Company's written premium on the policies covered by this Arrangement as the basic commission allowance to meet commissions and/or salaries of their insurance agents, brokers, or other entities producing qualified flood insurance applications and other related expenses. Additionally, the Company shall be entitled to 0.1% of the Company's written premium on the policies covered by this Arrangement for each 1% growth in the Company's policies in force on September 30 of this Arrangement Year, reduced by 80% of the number of policies scheduled for transfer to the Company during this Arrangement Year pursuant to the Company's request under the NFIP Rollover Procedures, over the policies in force on September 30 of the prior Arrangement Year; the additional commission allowance calculated under this provision is limited to a maximum of 3%. In the case where the Company had no policies in force on September 30 of the prior Arrangement Year, the Company shall be entitled to withhold 15% of the Company's written premium on the policies covered by this Arrangement as the Commission allowance.

Nothing in Article III, Section B can be used as a means of increasing a Company's commission allowance by transferring business from one company to another company within a company group or by the merger or acquisition of another company. Payments of the additional commission allowance will be in accordance with the WYO Accounting Procedures Manual.

With the agreement of the Company and for the benefit of the WYO Companies and the National Flood Insurance Program, in general, the Administrator may designate the Company to employ the services of a national rating organization licensed under state law, to assist the FIA in undertaking and carrying out such studies and investigations on a community or individual risk basis for the purpose of determining more equitable and accurate estimates of flood insurance risk premium rates as authorized under section 1307 of the National Foood Insurance Act of 1968, as amended. Charges or fees for such services agreed to by the Administrator shall be reimbursed to the Company in accordance with the provisions of the WYO Accounting Procedures Manual.

d. Article III—Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds, is amended in section D by adding "1." after "D." and by removing the second paragraph and adding in its place the following:

2. Loss payments will include payments as a result of awards or judgments for damages arising under the scope of this Arrangement, policies of flood insurance issued pursuant to this Arrangement, and the claims processing standards and guides set forth at Article II, section A, 2.0 of this Arrangement. Prompt notice of any claim for damages as to claims processing or other matters arising outside the scope of this section (D)(2) shall be sent to the Assistant Administrator of the FIA's Office of Insurance Policy Analysis and Technical Services (OIPATS), along with a copy of any material pertinent to the claim for damages arising outside of the scope of the matters set forth in this section (D)(2).

Following receipt of notice of such claim, the General Counsel (OGC), FEMA, shall review the cause and make a recommendation to FIA as to whether the claim is grounded in actions by the Company which are significantly outside the provisions of this section (D)(2). If the recommendation is that the claim does not arise under the provisions of this section (D)(2), the Chief, Property Claims Division, OIPATS, will review the matter and, if he concurs in the recommendation, will advise the Company that any award or judgment for damages arising out of such actions may not be recognized under Article III of this Arrangement as a reimbursable loss cost, expense or expense reimbursement. The Company shall be so notified, in writing, within thirty (30) days of the General Counsel's recommendation. In the event that the Company wishes to appeal the notification that it may not be reimbursed for the award or judgment made under the above circumstances, it may do so by mailing, within thirty days of the notice declining to recognize any such award or judgment as reimbursable under Article III, a written notice of appeal to the Chairman of the WYO Standards Committee established under the Financial Control Plan. The WYO Standards Committee will, then, consider the appeal at its next regularly scheduled meeting or at a special meeting called for that purpose by the Chairman and issue a written recommendation to the Administrator, within thirty days of the meeting. The Administrator's final determination will be made, in writing, to the Company within thirty days of the recommendation made by the WYO Standards Committee.

e. In Article IV—Undertakings of the Government, section A is amended by revising the third sentence to read as follows:

* * * Request for funds shall be made only when net premium income has been depleted.

f. In Article V—Commencement and Termination, paragraph "a" of section C is amended by adding after the word "Program" and before the semicolon the words ", including certain data, as determined by FIA, in a standard format and medium".

g. In Article VII—Cash Management and Accounting, section A is amended by removing the words "and interest income".

h. Article VII—Cash Management and Accounting, is amended by revising section B to read as follows:

B. The Company shall remit all funds not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual.

i. Article IX—Errors and Omissions, is amended by adding a second paragraph to read as follows:

* * * * *

However, in the event that the company has made a claim payment to an insured without including a mortgagee (or trustee) of which the company had actual notice prior to making payment, and subsequently determines that the mortgagee (or trustee) is also entitled to any part of said claim payment, any additional payment shall not be paid by the company from any portion of the premium and any funds derived from any Federal Letter of Credit deposited in the bank account described in Article II, section E. In addition, the company agrees to hold the Federal Government harmless against any claim asserted against the Federal Government by any such mortgagee (or trustee), as described in the preceding sentence, by reason of any claim payment made to any insured under the circumstances described above.

Appendix B to Part 62—[Amended]

6. Appendix B to Part 62, *A Plan to Maintain Financial Control for Business Written Under the Write-Your-Own Program*, is amended as follows:

a. The introductory section at the beginning of Appendix B is amended by removing in numbered paragraph 4 the words "actual files (up to fifty [50])" and adding in their place the words "specific files".

b. The introductory section at the beginning of Appendix B is amended by adding, following numbered paragraph 4, a new numbered paragraph 5 to read as set forth below and by renumbering existing numbered paragraphs 5 through 9 as numbered paragraphs 6 through 10, respectively:

5. Have a triennial audit of the flood insurance financial statements conducted by an independent accounting firm at the company's expense to ensure that the financial data reported to FIA accurately represents the flood insurance activities of the company.

c. Part 2—Statistical Plan Reconciliation Procedures, is amended as follows:

(1) By revising the second and third sentences of the *Statistical Plan Reconciliation Objectives* section to read as follows:

* * * The reliance on computer processing to perform the review of transaction and financial data will help minimize the necessity for on-site audits of WYO Companies. Reconciliation of the statistical reports submitted will be performed by the WYO Companies and independently by the NFIP Servicing Facility.

(2) By renumbering paragraphs 2 and 3 as 3 and 4, respectively, and by adding a new paragraph 2 to read as follows:

* * * * *

2. WYO Companies are required to submit, on a form approved by the Administrator, a tape transmittal document with the submission of the statistical tape containing transaction detail. This will be used to validate record counts and dollar amounts.

* * * * *

(3) In renumbered paragraph 4 of the *Financial Control* section, by adding after the word "maintained" the words "whenever possible".

(4) In paragraph 4 of the *Quality Review of Submitted Data* section, by removing the last two sentences and adding in their place the following:

* * * Critical errors include those made in required data elements. Required data elements:

(1) identify the policyholder, the policy, the loss, and the property location;

(2) provide information necessary to rate the policy;

(3) provide information used in financial control;

(4) provide information used for actuarial review of NFIP experience.

Non-critical errors are those made in data elements reported by the WYO Companies at their opinion.

(5) In the second paragraph of the *Timeliness of Reporting* section, by removing the words "receipt date" and adding in their place the words "the first processing cycle subsequent to the receipt".

(6) Numbered paragraph 2 of the *Monthly Reports* section is revised to read as follows:

* * * * *

2. Summary statistics will be generated for each monthly submission of transaction data. These will include:

a. Absolute numbers of transactions read and transactions rejected by transaction type.

b. Other amounts associated with transactions read and transactions rejected.

(7) Numbered paragraph 4 of the *Monthly Reports* section is revised to read as follows:

* * * * *

4. Control totals will be generated for tapes submitted to and processed by the NFIP. This front-end balancing procedure will include:

a. Numbers of records submitted according the NFIP compared with numbers of records submitted according to the WYO Company transmittal document.

b. Dollar amounts submitted according to the NFIP compared with dollar amounts submitted according to the WYO Company transmittal document.

If there is any discrepancy between the NFIP reading of dollar amounts from the tape and the WYO Company tape transmittal document, then the monthly statistical tape submission will be rejected and returned to the Company. The rejected tape must be corrected and resubmitted by the next monthly submission due date.

(8) By revising Exhibit "A" to read as follows:

Exhibit "A"

WYO Statistical Tape Transmittal Document

Date sent: _____
WYO prefix code: _____
WYO company name: _____
Address: _____
Reel number (s) of enclosed tapes: _____
Density _____
LRECL _____
Blocksize _____
File name (DSN) _____
Contact person _____
Contact number _____
IBU number _____

(WYO use only)

Monthly Reconciliation—Net Written Premiums

Company name _____
Co. NAIC number _____
Month/year ending _____
Date submitted _____
Preparer's name _____
Telephone No. _____

Monthly Financial Report		Monthly Statistical Transaction Report			
		Trans. code	Record count		Premium amount
Net written premiums	$..... (Income statement = line 100)	11			$.....
		15			
Unprocessed statistical:		17			
(+) Prior month's		20			
(−) Current month's					
Other-explain:		23			
(+) Current month's		26		(−)	
(−) Prior month's		29		(−)	
		14 and 81		(+)	

Monthly Financial Report		Monthly Statistical Transaction Report			
		Trans. code	Record count		Premium amount
Total		Total: (Add 11 through 23 less 26 and 29).			
Comments:					

Monthly Reconciliation—Losses

Company name _____

Co. NAIC number _____
Month/year _____

Date submitted _____

		Trans. code	Record count	Loss/paid recoveries
100 Net paid losses (Income statement line 115)	$			
Unprocessed statistical:				
140 (+) Prior month's		31		$
		34		
		37		
150 (−) Current month		40		
160 Salvage not to be reported by transaction (Explain)		43		
170 Other-explain:		46 and 61		
		49		
		64		
		84 and 87		
		52 Recovery	Salvage	Subrogation
		67 Recovery	Salvage	Subrogation
Total: (Sum of lines 100, 140, 160, and 170 less 150)		Total: (Add 31, 34, 40 through 64 less 52 and 67).		
Comments:				

Monthly Reconciliation—Special Allocated LAE

Company name _____

Co. NAIC number _____
Month/year ending _____

Date submitted _____

Monthly Financial Report		Monthly Statistical Transaction Report		
		Trans. code	Record count	Amounts
Special allocated loss adjustment expenses	(Other loss and LAE Calc. = line 655)	71		$
	74			
Unprocessed statistical:				
(+) Prior Month				
(−) Current Month				
Other—Explain:				
(1)				
(2)				
Total:		Total:		
Comments:				

d. PART 3—Underwriting/Policy Administration Operation Review Procedures, is amended as follows:

(1) By removing in the second sentence of paragraph number 2 of the *Notice* section the words "Up to 50 policy" and adding in their place the word "Policy".

(2) By adding to the end of paragraph number 2 of the *Notice* section the following:

The number of policy files reviewed shall be determined by the following schedule:

Policies in force	Policy files reviewed
Under 25,000	50
25,000 to 74,999	75
75,000 to 99,999	100
100,000 and over	125"

(3) By adding in paragraph 1 *WYO Company Summary Report*, of the *Underwriting/Policy Administration Operation Review Outline* section after the word "underwriter" and before the word "prior" the words", if requested,".

(4) By removing in paragraph 2, *Administrative Review*, of the *Underwriting/Policy Administration Operation Review Outline* section the words "See Exhibit 'B'." and adding in their place the following: "Exhibit B, whose use is optional, provides a format for this review."

(5) By removing in paragraph 4, *File Review*, the words "would be compiled" and adding in their place the words",

whose use is optional, provides a format".

(6) By removing in the note appearing just before Exhibit "A"—WYO Company *Summary Report* the words "of 20% of higher" and adding in their place the words "equal to or greater than, depending on the nature of the files selected for review, 10% to 20%".

(7) By adding in item number (1) of the note appearing just before Exhibit "A"—WYO Company *Summary Report* after "zone)" and before the period the words", or an endorsement."

(8) By adding after item number 2 at the end of the note appearing just before Exhibit "A"—WYO Company *Summary Report* items (3) through (6) to read as follows:

(3) The failure to obtain the information necessary to properly identify and underwrite a risk.

(4) The issuance of a policy with an incorrect policy term.

(5) Any error which impacts the correct return premium on a cancellation or nullification.

(6) The processing of a cancellation or nullification for an invalid reason.

(9) By revising Exhibit "C"—Specific Risk Review Checklist, to read as follows:

Exhibit "C"—Specific Risk Review Checklist

Date: _____

Occupancy

( ) Single Family
( ) 2–4 Family
( ) Other Residential
( ) Non Residential

Number of Floors _____

Condominium

( ) Yes ( ) No

Basement

( ) Yes ( ) No

Elevated Building

( ) Yes ( ) No

Policy No. _____

Amount of Insurance

Building _____
Contents _____

Zone

Complete when appropriate

Elevation Difference _____
Base Floor Elevation _____
Lowest Floor Elevation _____
Grade Elevation _____

Obstruction below elevated building

( ) Yes ( ) No

	Policy Number		
	Yes	No	Comment if checked "No"
Application: Properly Completed?			
Met Eligibility-Location Requirements.			
Policy Properly Issued?			
Required Premium Received? (If coverage was reduced to the amount that could be purchased with the premium submitted, check yes.)			
Are Coverage Limits within NFIP Statutory Allowances?			
Waiting Period Observed?			
Endorsements, Renewals, Cancellations: Properly Issued?			
Required Premium Received or Returned?			
Waiting Period Observed?			
Additional Documentation: Is Elevation Certificate Information Valid and Complete?			
If Specifically Rated, has Company Obtained the Required Information?.			
File Satisfactory For: Service Within Guidelines?			
Recertification?			

Comments—FIA Examiner

Comments—WYO Company Underwriter

Resolution

e. Part 4—Claims Operation Review Procedures, is amended as follows:

(1) By removing in the second sentence of numbered paragraph 2 of the *Claims Operation Review Objectives* the words "50 policy files" and adding in their place the words "5% of the claim files opened during the period covered by the Review."

(2) By adding in Exhibit "B"—Administrative Review Checklist, just before 1. *Investigation and Adjustments*, the following:

Policy#
Insureds Name:
State:
Date of Loss:
Date Paid:
Date Reported:
Amt. of Loss: $
Bldg. $
Contents $
Adjusting Firm:
Examiners Name:
Comments:

(3) By adding at the end of section "f" of Exhibit "B"—Administrative Review Checklist, item 9 as follows:

(9) Is the statistical reporting correction file being properly managed? ..... [ ] [ ] [ ]

f. By revising Part 6—Financial Audits and State Insurance Department Examinations, to read as follows:

Part 6—Financial Audits, Audits for Cause, and State Insurance Department Audits

A. Triennial Financial Audits

I. *Objectives of WYO Triennial Financial Audit*—The triennial financial audit is intended to provide the Federal Emergency Management Agency with independent assessment of the quality of financial controls over activities relating to the Company's participation in the National Flood Insurance Program as well as the integrity of the financial data reported to FEMA. Participating WYO Companies are responsible for selecting and funding independent Certified Public Accounting firms to conduct the triennial audits. Such costs are considered part of the normal administrative costs of operating the WYO Program and as such are included in the WYO expense allowance.

It is also intended that the triennial audit will reduce if not eliminate the need for FEMA auditors or their designees to conduct on-site visits to WYO Companies in their review of financial activity. However, the requirement may still exist for such visits to occur as determined by the auditors. In addition, nothing in this section should be construed as limiting the ability of the General Accounting Office to review the activities of the WYO Program.

The objective of the triennial audit is to ensure that financial data reported to FEMA for the Arrangement Year (Government Fiscal Year) is fairly and accurately presented in order to determine that:

A. Policy and claim related financial data as reported to the NFIP are proper and adequately supported by underlying documentation.

B. Reported cash amounts are properly reconciled to the bank account balance.

C. Reported accounts receivable, premium suspense and accounts payable balances are properly stated.

D. Cash management is in accordance with the requirement of the WYO Accounting Procedures Manual and consistent with the Company's procedures as updated to FEMA.

II. *Internal Controls and Suggested Procedures.*

A. The nature, timing and extent of audit tests to be applied are to be determined by the independent Certified Public Accounting firm based on its study and evaluation of the WYO Company's accounting procedures and system of internal control. Adequate evaluation requires knowledge and understanding of the WYO accounting and financial reporting procedures prescribed by the Arrangement and a reasonable degree of assurance that they are in use and are operating effectively.

B. The audit tests described below are suggested tests and are to be modified as considered necessary by the independent Certified Public Accounting firm, based on its study and evaluation of the WYO Company's accounting procedures, system of internal control and results of company WYO self audits. Based on such study and evaluation, the independent Certified Public Accounting firm may consider additional steps to be necessary, may consider certain of the audit tests described below to be unnecessary, or may consider additions to or reductions in the extent of such audit tests to be appropriate. Each elimination and/or reduction shall be described in the independent Certified Public Accounting firm's report. See Part IV below.

III. *Audit Tests.*

A. Tie total written premium from policy master file to the monthly financial reports.

1. Trace reconciling items to the subsequent month's financial report; and

2. Obtain evidence that items included with the second monthly financial report dated on or before the date of the reconciliation were included as reconciling items, if appropriate. Investigate, as required, reconciling items not clearing with the second monthly financial report.

B. Select a representative sample of policies which were in-force during all or part of the Arrangement Year under audit for detail testing.

1. Confirm policy detail with policyholder (e.g., policy number, effective date, policy term, premium, insured property address, deductible amounts).

2. Determine that policy detail from policy file agrees with statistical data from the master file submitted to the NFIP.

3. Select a sample of policy cancellations and endorsements from throughout the fiscal year and determine the propriety of the financial reporting associated with such transactions (e.g., return premium, additional premium and appropriate application of the expense allowance).

C. Tie total paid losses and outstanding loss reserves, allocated and special allocated adjustment expenses, including outstanding reserves, from policy master file to monthly financial reports.

1. Trace reconciling items to the subsequent month's financial reports, and;

2. Obtain evidence that items included with the second statement dated on or before the date of the reconciliation are included as reconciling items, if appropriate. Investigate, as required, reconciling items not clearing with the second monthly financial report.

D. Select a representative sample of claims activity during the Arrangement Year for detail testing.

1. Confirm policy number, claim number, loss payment, loss date, and date-of-loss payment with policyholder.

2. Detemine whether special allocated LAE payment, as applicable has been properly approved prior to incurring any expenses.

3. Determine that claim status in the claim file agrees with data submitted to the NFIP, and that the policy was in-force on the date of loss.

4. Verify that unallocated loss adjustment expense was appropriately determined and reported.

5. Review IBNR reserve calculation to determine whether it is consistent with the methodology reported to FEMA.

6. Determine whether adjustments to the outstanding case reserves are proper and made on a timely basis.

7. If salvage or subrogation is significant in relation to the company's claims activity, select a sample of recoveries to determine that they were properly recorded (data from claims file agrees with submission to the NFIP).

E. Determine whether cash receipts are being promptly deposited to the Restricted Account and that excess cash is being swept from the account in accordance with the WYO Accounting Procedures Manual.

F. Determine whether reimbursements from the Restricted Account or drawdowns on the Treasury Letter-of-Credit are made in accordance with the WYO Accounting Procedures Manual.

G. Obtain bank reconciliations for the restricted account and any other flood-related account(s) as of the end of the Arrangement Year. Review bank reconciliations for old and/or unusual reconciling items. Reconcile restricted account activity to premium and claim data reported in monthly financial reports on a sample basis.

H. Reconcile accounts receivable, accounts payable, premium suspense and other miscellaneous trial balances to reported amounts. Test the propriety of the detail on a sample basis.

I. Make inquiries of management and review available reports relating to activity subsequent to year-end for items that should have been included in Arrangement Year results.

B. Audits for Cause

In accordance with the terms of the WYO Arrangement, FIA reserves the right to conduct for cause audits of participating companies. The criteria for initiating include the following, which in combination or independently may initiate such an audit:

1. Self-Audit

—Adequate reporting was not received from a company, even after follow-up requests.
—Review of the reported self-audit results indicates problem areas which require further explanation or follow-up.
—Reports of self-audit results do not adequately respond to problems or deficiencies raised through other aspects of the Financial Control plan (i.e., errors/rejects from statistical reporting, financial reporting discrepancies, financial/statistical reconciliation problems, etc.).
—Triennial audit results indicate that the self-audits were not adequately performed and that the reported results cannot be relied upon.

2. Underwriting

—Excessively high frequency of errors in underwriting:
a. Issuing policies in for ineligible risks.
b. Issuing policies ineligible communities.
c. Consistent premium rating errors.
d. Missing or insufficient documentation for submit for rate policies.
e. Other patterns of consistent errors.
—Abnormally high rate of policy cancellations or non-renewals.
—Policies not processed in a timely fashion.
—Duplication of policy coverage noted.
—Problems with Rollover from National Flood Insurance Program (NFIP) to WYO (duplication of coverage, timeliness of changeover).
—Relational type edits indicate an unusually high or low premium amount per policy for the geographical area.
—Structural characteristics are significantly different from the norm for the geographical area.
—Self-audit or triennial audit results indicate unusual volume of errors in underwriting.

3. Claims

—Reinspections indicate consistent patterns of:
a. Losses being paid when not covered.
b. Statistical information being reported on original loss adjustment found to be incorrect on reinspection.
c. Salvage/subrogation not being adequately addressed.
d. Consistent overpayments of claims.
—Unusually high count of erroneous assignments and/or claims closed without payment (CWP). (WYO Company is paid a flat fee for CWP cases where little or no work is done—risk is fraudulent CWP cases).
—Unusually low count of CWP (May indicate inadequate follow-up of claims submitted).
—Higher than Program average (over allowable parameters) of average claim payments.
—Lack of (adequate) documentation for paid claims.
—Claims not processed in a timely fashion.
—Consistent failure of WYO Company to receive authorization for special allocated loss adjustment expenses prior to incurring them.
—High/consistent policyholder complaint level.
—Low/high count of salvage/subrogation.
—High submission of Special Allocated Loss Adjustment Expenses (SALAE).
—Inability to adequately verify (confirm) validity of claim payments.
—Triennial audit indicates significant problems.

4. Financial Reporting/Accounting

—Consistently high reconciliation variations and/or errors in statistical information.
—Financial and/or statistical information not received in a timely fashion.
—Letter of Credit violations are found.
—WYO Company is not submitting timely deposits of funds to the Federal Insurance Administration (FIA) through the automatic clearinghouse (ACH).
—WYO Company is not depositing funds to the Restricted Account in a timely manner.
—Premium suspense is consistently unusually large and/or cannot be detailed sufficiently.
—Large/unusual balance in Cash-Other (Receivable and/or Payable).
—Large, unexplained differences in cash reconciliation.

—Large/unusual balances or variations between months noted for key data ("Summary of Key Data").
—Financial statement to statistical data reconciliation sheets improperly completed indicating proper review of information is not being performed prior to signing certification statement.
—Repeated failure to respond fully in a timely manner to questions raised by FIA or its servicing agent concerning monthly financial reporting.
—Significant dollar amount of suspense items 60 days and older.

C. State Insurance Department Examination

It is expected that audits of WYO Companies by independent accountants and/or state insurance departments, aside from those conducted by the FIA or its designee, will include flood insurance activity. When such audits occur, a financial officer for the WYO Company will notify the FIA, identifying the auditing entity and providing a brief statement of the overall conclusions that relate to flood insurance and the insurer's financial condition, when available. In the case of an audit in progress, a brief statement on the scope of the audit should be provided to the FIA. A checklist will be utilized for this reporting and will be provided to WYO Companies by the FIA.

The WYO Companies will maintain on file the reports resulting from audits, subject to on-site inspection by the FIA or its designee. At the FIA's request, the WYO Company will submit a copy of the auditor's opinion, should one be available, summarizing the audit conclusions.

Dated: December 31, 1987.

Harold T. Duryee,

Federal Insurance Administrator.

[FR Doc. 88-217 Filed 1-6-88; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-670]

Children's Television Commercialization Guidelines

AGENCY: Federal Communications Commission.

ACTION: Order extending time for filing of comments.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in response to the *Further Notice of Proposed Rule Making/Notice of Inquiry* in MM Docket No. 83-670 (52 FR 44616). This *Further Notice* requests comments regarding the issue of commercialization guidelines for children's television. This extension of time was requested by the National Association of Broadcasters.

DATES: Comments are due February 19, 1988 and reply comments are due April 4, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eugenia R. Hull, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Roderick K. Porter,

Acting Chief, Mass Media Bureau.

[FR Doc. 88-106 Filed 1-6-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87-15; Notice 2]

Federal Motor Vehicle Safety Standards; Vehicle Classification

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period on an advance notice of proposed rulemaking published October 28, 1987, on possible new definitions for basic motor vehicle types. The Comment period originally was scheduled to close on December 28, 1987. The new comment closing date is Monday, January 25, 1988. On November 17, 1987, the Motor Vehicle Manufacturers Association petitioned the agency to extend the comment period for days. MVMA requested an extension to allow an adequate time for analysis of the eight options presented in the advance notice, as well as for possible development of other alternative vehicle type definitions. The agency received a request for a 90-day extension from the Recreation Vehicle Industry Association on November 20, 1987, stating the same reasons as those contained in MVMA's request. The agency has conidered these petitions, and has decided that a new comment due date of January 25, 1988, would be in the public interest.

DATE: The comment period for Docket No. 87-15: Notice 1 is reopened. The new closing date for this advance Notice of Proposed Rulemaking is January 25, 1988.

ADDRESS: Comments should refer to Docket No. 87-15 and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are 8:00 am to 4:00 pm, Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Parker, NRM-011, National Highway Traffic Safety Administration, Room 5320, 400 Seventh Street, SW., Washington, DC 20590, (202 366-4931).

SUPPLEMENTARY INFORMATION: On October 28, 1987, NHTSA published an advance notice of proposed rulemaking (ANPRM) in response to a petition filed by the Insurance Institute for Highway Safety to redefine basic motor vehicle types, so that vehicles used primarily to transport passengers are not classified together with vehicles used primarily to transport cargo. (See 52 FR 41475) the agency published the ANPRM to request public comment on possible new approaches to motor vehicle classification for purposes of the Federal motor vehicle safety standards.

The Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA) petitioned the agency on November 17, 1987, to extend this ANPRM's comment period for 60 days. On November 20, 1987, the Recreation Vehicle Industry Association (RVIA) requested that the agency extend the comment period for 90 days. The reasons Cited in the two requests are the same. The principal reason is to provide adequate time to allow complete analysis of the eight unique alternatives contained in the proposal. MVMA states that each manufactuer must determine the effects of the proposed alternatives on current and future passenger cars, vans, wagons, on/off road utility vehicles, incomplete vehicles, light trucks, multipurpose passenger vehicles, etc. In addition, manufacturers then must conduct evaluations of the potential effects of each of the alternatives on vehicle design and manufacturing facility allocations. Moreover, manufacturers may find it necessary to develop and propose additional alternatives.

NHTSA has considered carefully the MVMA and RVIA requests. As a general matter, the agency will not grant a petition to extend the comment period unless the peition demonstrates good cause for the extension and the agency determines that the extension is consistent with the public interest. In this case, while there will be an additional opportunity for public comment if the agency determines to issue a proposed rule, the agency believes that it may help to provide some additional time to analyze fully the different options presented in the ANPRM. We also agree that some

commenters may wish to develop alternative definitions or proposals. The agency further recognizes that a comment due date in the middle of a traditional holiday season may cause some difficulty in providing commenters adequate time to provide the most cogent comments possible.

Accordingly, some additional time is warranted. However, because of the intense interest in this rulemaking, including the many issues related to the practical effects of any new definition of vehicle types (such as the extension of a new Federal motor vehicle safety standard to a vehicle type for the first time), the agency has determined that it is not appropriate to extend the time to comment for the length of time requested in the petitions. Accordingly, The comment period for Docket No. 87–15 is reopened for comment until Monday, January 25, 1988.

Authority: Sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 501.8

Issued on January 5, 1988.

Barry Felrice

Associate Administrator for Rulemaking.

[FR Doc. 88–267 Filed 1–5–88; 10:43 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 53, No. 4
Thursday, January 7, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Pesticide Use for Mountain Pine Bettle Control; Deerlodge National Forest, Butte, MT; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for a proposal to use pesticides in late May or June in 1988 and in 1990 to control mountain pine beetle in the Homestake, Delmoe Lake, Elder Creek, and Thompson Park campgrounds and picnic areas on the Deerlodge National Forest.

A range of alternatives will be considered including alternate methods of mountain pine beetle control and a no action alternative.

Federal, State, and local agencies: Other individuals; and organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. The process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.
4. Determination of potential cooperating agencies and assignment of responsibilities.

Frank Salomonsen, Forest Supervisor, Deerlodge National Forest, Butte, Montana is the responsible official.

The analysis is expected to take about four months. The draft environmental impact statement should be available for public review by February 1988. The final environmental impact statement is scheduled to be completed by May 1988.

Written comments and suggestions concerning the analysis should be sent to Frank Salomonsen, Deerlodge National Forest, Butte, Montana 59701, by January 25, 1988.

Questions about the proposed action and envronmental impact statement should be directed to Merrill Davis, Butte District Ranger, Deerlodge National Forest, phone 406–494–2147.

Frank E. Salomonsen,

Forest Supervisor.

Date: December 29, 1987.

[FR Doc. 88–225 Filed 1–6–88; 8:45 am]
BILLING OCODE 3410–11–M

DEPARTMENT OF COMMERCE

Export Administration

Order Affecting Export Privileges; Joseph Sappir et al.

In the matter of Joseph Sappir, individually and doing business as Establishment Noon International, Inc., 35 Rokach Str. (Apt. 5), P.O. Box 37183, Tel Aviv 61370, Israel, Respondents.

The Office of Export Enforcement, United States Export Administration,[1] United States Department of Commerce (Department), having determined to initiate an administrative proceeding against Joseph Sappir, individually and doing business as Establishment Noon International, Inc. (hereinafter collectively referred to as Establishment Noon), pursuant to section 13(c) of the Export Administration Act of 1979 (50 U.S.C. app. sections 2401–2420 (1982 and Supp. III 1985)) and Part 388 of the Export Administration Regulations (currently codified at 15 CFR Parts 368–399 (1987)) (the Regulations), based on allegations that Establishment Noon violated §§ 387.5 and 387.6 of the Regulations in that, between December 1983 and April 1984, Establishment Noon reexported, from Israel to Switzerland, U.S.-origin goods originally shipped from the United States to Israel, without obtaining the reexport authorization required and that, in connection with these shipments, Establishment Noon failed to notify the Department of changes in material facts;

[1] On October 1, 1987, in accordance with the pertinent provisions of the Export Administration Act of 1979, as amended, and a Departmental directive from Bruce Smart, Acting Secretary of Commerce, implementing those provisions, the Office of Export Enforcement was moved within the Department from the International Trade Administration of the United States Department of Commerce to the United States Export Administration of the United States Department of Commerce.

The Department and Establishment Noon having entered into a Consent Agreement whereby the parties have agreed to settle this matter by denying Establishment Noon all U.S. export privileges for a period ending five years from the date of this Order; and

The terms of the Consent Agreement having been approved by me;

It is therefore ordered,

First, that all outstanding validated export licenses in which Joseph Sappir, individually and doing business as Establishment Noon International, Inc., appears or participates, in any manner or capacity, are hereby revoked and shall be returned to the Office of Export Licensing for cancellation. Further, all of Establishment Noon's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, that Joseph Sappir, individually and doing business as Establishment Noon International, Inc. (hereafter collectively referred to as Establishment Noon), for a period of five years from the date of entry of this Order, is denied all privileges of participating, directly or indirectly, in any transaction involving the export of U.S.-origin commodities or technical data from the United States or abroad.

A. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States and subject to the Regulations; and (v) in the financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those

commodities and technical data which are subject to the Act and the Regulations.

B. Such denial of export privileges shall extend not only to Establishment Noon but also to its agents, employees and successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which Establishment Noon is now or hereafter be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

C. No person, firm, corporation, or business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data which are subject to denial of export privileges as set out herein, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with Establishment Noon or anyone who is now or may be subsequently named as a related party, or whereby Establishment Noon or any related party may obtain any benefit therefrom or have any interest in or participation therein, directly or indirectly: (i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for Establishment Noon or any related party denied export privileges; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Third, that the proposed Charging Letter, the Consent Agreement and this Order shall be made available to the public and this Order shall be published in the **Federal Register**.

This Order is effective immediately.

William V. Skidmore,

Acting Deputy Assistant Secretary for Export Enforcement.

Entered this 24th day of November, 1987.

[FR Doc. 88-202 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-122-605]

Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value; Color Picture Tubes From Canada

ACTION: Notice.

SUMMARY: In separate investigations concerning color picture tubes (CPTs) from Canada, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that CPTs from Canada are being sold at less than fair value and that sales of CPTs from Canada are materially injuring a U.S. industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption, of CPTs from Canada made on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: John Kenkel or John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3530 or 377-3965.

SUPPLEMENTARY INFORMATION: The products covered by this order are CPTs which are provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) items 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520. The corresponding Harmonized System (HS) numbers are 8540.11.00.10, 8540.11.00.20, 8540.11.0030, 8540.11.00.40, 8540.11.00.50 and 8540.11.00.60.

CPTs are defined as cathode ray tubes suitable for use in the manufacture of color television receiver or other color entertainment display devices intended for television viewing.

CPTs which are imported as incomplete television assemblies that contain a CPT as well as additional components are also included within the scope of this order unless both of the following criteria are met: (1) The CPT is "physically integrated" with other television receiver components in such a manner as to constitute one inseparable amalgam; and, (2) the CPT does not constitute a significant portion of the cost or value of the items being imported. Incomplete television receiver assemblies are provided for in TSUSA items 684.9656, 684.9658 and 684.9660.

We have, however, determined that CPTs which are shipped and imported together with other parts as television receiver kits (which contain all parts necessary for assembly into complete television receivers) are excluded from the scope of this order.

In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act), on November 12, 1987, the Department made its final determination that color picture tubes from Canada were being sold at less than fair value (52 FR 44161, November 18, 1987). On December 22, 1987, in accordance with section 735(d) of the Act, the ITC notified the Department that such imports materially injure a U.S. industry.

Also, subsequent to the publication of the final determination, we were notified by Counsel for Mitsubishi Electronics Industries Canada, Inc. that certain clerical errors were found in our calculations. The Department conducted a review based on these comments and made the following corrections:

1. We corrected the exporter's sales price computer program by excluding inventory carrying cost on the CPT in the calculation of "Final Added Value Amount."

2. We corrected the purchase price computer program by including revised credit expenses in the purchase price calculation of FMV.

We hereby amend our final determination to correct these errors and change the weighted-average dumping margin from .65 percent to .63 percent.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of CPTs from Canada. These antidumping will be assessed on all unliquidated entries of CPTs entered, or withdrawn from warehouse, for consumption on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (52 FR 24316).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below:

Manufacturers/Producers/Exporters	Weighted-average margin (percent)
Mitsubishi Electronics Industries Canada, Inc.	63
All Other Manufacturers/Producers/Exporters.	63

This determination constitutes an amendment to the final determination and an antidumping duty order with respect to CPTs from Canada, pursuant to sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e(a)) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central Records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 29, 1987.

[FR Doc. 88-214 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-609]

Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value; Color Picture Tubes From Japan

ACTION: Notice.

SUMMARY: In separate investigations concerning color picture tubes (CPTs) from Japan, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that CPTs from Japan are being sold at less than fair value and that sales of CPTs from Japan are materially injuring a U.S. industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of CPTs from Japan made on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: Jess Bratton or John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 377-3963 or 377-3965.

SUPPLEMENTARY INFORMATION: The products covered by this order are CPTs which are provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) items 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520. The corresponding Harmonized System (HS) numbers are 8540.11.00.10, 8540.11.00.20, 8540.11.00.30, 8540.11.00.40, 8540.11.00.50 and 8540.11.00.60.

CPTs are defined as cathode ray tubes suitable for use in the manufacture of color television receivers or other color entertainment display devices intended for television viewing.

CPTs which are imported as incomplete television assemblies that contain a CPT as well as additional components are also included within the scope of this order unless both of the following criteria are met: (1) The CPT is "physically integrated" with other television receiver components in such a manner as to constitute one inseparable amalgam; and, (2) the CPT does not constitute a significant portion of the cost or value of the items being imported. CPTs which are imported together with other parts as incomplete television assemblies whether shipped directly from Japan or through Mexico should be included in the scope of this order. Incomplete television receiver assemblies are provided for in TSUSA items 684.9656, 684.9658 and 684.9660.

We have also determined that CPTs which are shipped directly from Japan and imported together with other parts as television receiver kits (which contain all parts necessary for assembly into complete television receivers) are excluded from the scope of this order. However, CPTs which are shipped through Mexico and imported together with other parts as television receiver kits should be included in the scope of this order.

In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act), on November 12, 1987, the Department made its final determination that color picture tubes from Japan were being sold at less than fair value (52 FR 44171, November 18, 1987). On December 22, 1987, in accordance with section 735(d) of the Act, the ITC notified the Department that such imports materially injure a U.S. industry.

Also, subsequent to the publication of the final determination, each respondent made allegations that clerical errors were made in calculating the final dumping margins. The Department conducted a review based on these comments and made the following corrections:

1. For Hitachi, Ltd. no amendment to the final determination was made.

2. For Mitsubishi Electric Corporation, we recalculated adjustments for physical differences in the merchandise for both 14 and 20 inch models by deducting yields from the material costs for U.S. models.

3. For Matsushita Electric Corporation, we recalculated the adjustment for physical differences in merchandise for the 13 inch model by adding the cost of the deflection yoke.

We hereby amend our final determination to correct these errors and change the weighted-average dumping margin from 1.34% to 1.05% for Mitsubishi Electric Corporation, and from 32.91% to 27.46% for Matsushita Electric Corporation.

Therefore, in accordance with section 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of CPTs from Japan. These antidumping duties will be assessed on all unliquidated entries of CPTs entered, or withdrawn from warehouse, for consumption on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (52 FR 24320).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated

weighted-average antidumping duty margins noted below:

Manufacturers/producers	Weighted-average margin (percent)
Exporters	
Mitsubishi Electric Corporation	1.05
Hitachi, Ltd	22.29
Matsushita Electronics Corporation	27.46
Toshiba Corporation	33.50
All Others	27.93

This determination constitutes an amendment to the final determination and an antidumping duty order with respect to CPTs from Japan, pursuant to sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e(a)) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central Records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 29, 1987.

[FR Doc. 88-211 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-605]

Antidumping Duty Order; Color Picture Tubes From Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: In separate investigations concerning color picture tubes (CPTs) from Korea, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that CPTs from Korea are being sold at less than fair value and that sales of CPTs from Korea are materially injuring a U.S. industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption, of CPTs from Korea made on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond Busen or John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3464 or 377-3965.

SUPPLEMENTARY INFORMATION: The products covered by this order are CPTs which are provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) items 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520. The corresponding Harmonized System (HS) numbers are 8540.11.00.10, 8540.11.00.20, 8540.11.00.30, 8540.11.00.40, 8540.11.00.50 and 8540.11.00.60.

CPTs are defined as cathode ray tubes suitable for use in the manufacture of color television receivers or other color entertainment display devices intended for television viewing.

CPTs imported as part of color television receiver kits or as part of incomplete television receiver assemblies that are subsequently assembled into a completed color television (CTV) by a related party are included within the scope of the existing order on complete and incomplete color television receivers from Korea ("CTV order") (40 FR 18336, April 30, 1984). Therefore, these CPTs are not included within the scope of this order.

In addition, we have determined that CPTs, which are not covered by the CTV order, are covered by this investigation unless both of the following criteria are met: (1) The CPT is "physically integrated" with other television receiver components in such a manner as to constitute one inseparable amalgam; and, (2) the CPT does not constitute a significant portion of the cost or value of the items being imported.

In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act), on November 12, 1987, the Department made its final determination that color picture tubes from Korea were being sold at less than fair value (52 FR 44186, November 18, 1987). On December 22, 1987, in accordance with section 735(d) of the Act, the ITC notified the Department that such imports materially injure a U.S. industry.

Therefore, in accordance with section 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of CPTs from Korea. These antidumping duties will be assessed on all unliquidated entries of CPTs entered, or withdrawn from warehouse, for consumption on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (52 FR 24318).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a case deposit equal to the estimated weighted-average antidumping duty margins noted below:

Manufacturers/Producers/Exporters	Weighted-average margin (percent)
Samsung Electron Devices, Co., Ltd	1.91
All Other Manufacturers/Producers/Exporters	1.91

This determination constitutes an antidumping duty order with respect to CPTs from Korea, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central Records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 29, 1987.

[FR Doc. 88-213 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-559-601]

Antidumping Duty Order; Color Picture Tubes From Singapore

AGENCY: International Trade Administration, Commerce.
ACTION: Notice.

SUMMARY: In separate investigations concerning color picture tubes (CPTs) from Singapore, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that CPTs from Singapore are being sold at less than fair value and that sales of CPTs from Singapore are materially injuring a U.S. industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption, of CPTs from Singapore made on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: Jess Bratton or John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3963 or 377-3965.

SUPPLEMENTARY INFORMATION: The products covered by this order are CPTs which are provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) items 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520. The corresponding Harmonized System (HS) numbers are 8540.11.00.10, 8540.11.00.20, 8540.11.00.30, 8540.11.00.40, 8540.11.00.50 and 8540.11.00.60.

CPTs are defined as cathode ray tubes suitable for use in the manufacture of color television receivers or other color entertainment display devices intended for television viewing.

CPTs which are imported as incomplete television assemblies that contain a CPT as well as additional components are also include within the scope of this order unless both of the following criteria are met: (1) The CPT is "physically integrated" with other television receiver components in such a manner as to constitute one inseparable amalgam; and, (2) the CPT does not constitute a significant portion of the cost or value of the items being imported. Incomplete television receiver assemblies are provided for in TSUSA items 684.9656, 684.9658 and 684.9660

We have, however, determined that CPTs which are shipped and imported together with other parts as television receiver kits (which contain all parts necessary for assembly into complete television receivers) are excluded from the scope of this order.

In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act), on November 12, 1987, the Department made its final determination that color picture tubes from Singapore were being sold at less than fair value (52 FR 44190, November 18, 1987). On December 22, 1987, in accordance with section 735(d) of the Act, the ITC notified the Department that such imports materially injure a U.S. industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1765), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of CPTs from Singapore. These antidumping duties will be assessed on all unliquidated entries of CPTs entered, or withdrawn from warehouse, for consumption on or after June 30, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (52 FR 243180).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below:

Manufacturers/Producers/Exporters	Weighted-average margin percent
Hitachi Electronic Devices, Pte., Ltd.	5.33
All Other Manufacturers/Producers/Exporters.	5.33

This determination constitutes an antidumping duty order with respect to CPTs from Singapore, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 U.S.C. 353.48). We have deleted from the Commerce regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Dated: December 29, 1987

[FR Doc. 88-212 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-428-037]

Drycleaning Machinery From West Germany; Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and tentative determination to revoke in part.

SUMMARY: In response to a request by Seco Maschinenbau and Co. ("Seco"), the Department of Commerce has conducted an administrative review of the antidumping finding on drycleaning machinery from West Germany. The review covers one manufacturer/exporter of this merchandise to the United States and the period November 1, 1985 through October 31, 1986. We found no dumping margins during the period.

As a result of the review, the Department has tentatively determined to revoke the antidumping finding with respect to that firm.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-5289/5255.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR

43753) the final results of its last administrative review of the antidumping finding on drycleaning machinery from West Germany (37 FR 23715, November 8, 1972). Seco requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation on December 18, 1986 (51 FR 45364). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS"). In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated ("TSUSA")* item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialists at their local Customs offices to consult the schedule.

Imports covered by the review are shipments of West German drycleaning machinery, currently classifiable under TSUSA item 670.4100 and HS item number 8451.10.00.

The review covers one manufacturer/exporter of West German drycleaning machinery to the United States and the period November 1, 1985 through October 31, 1986.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price ("ESP"), both as defined in section 772 of the Tariff Act. Purchase price and ESP were based on the delivered packed price to unrelated purchasers in the United States. We made adjustments, where applicable, for U.S. and foreign inland freight, ocean freight, marine insurance, U.S. customs duties, brokerage charges, discounts, warranty expense and the U.S. subsidiary's indirect selling expenses. Where applicable, we made an adjustment for any increased value resulting from further assembly performed on the imported merchandise after importion and before its delivery to an unrelated purchaser in the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, third-country price, or constructed value, all as defined in section 773 of the Tariff Act, as appropriate. When insufficient quantities of such or similar merchandise were sold in the home market during the period to provide a basis for comparison, we used third-country price. When insufficient quantities of such or similar merchandise were sold in either the home market or to third countries, we used constructed value.

Home market price was based on the packed ex-factory or delivered price to unrelated purchasers in the home market. Third-country price was based on the packed ex-factory price to unrelated purchasers in various third-countries.

We made adjustments, where applicable, for freight, cash discounts, warranties, service expenses, direct advertising, technical service (start-up) expenses and indirect selling expenses to offset U.S. indirect selling expenses for ESP calculations. We made further adjustments, where applicable, for differences in credit expenses, commissions to unrelated parties, packing costs, and differences in the physicial characteristics of the merchandise. No other adjustments were claimed or allowed.

Constructed value was calculated as the sum of materials, fabrication, general expenses, profit, and U.S. packing. We used actual general expenses since they exceeded the statutory minimum of ten percent of materials and fabrication cost. We added eight percent profit since the actual profit was below the statutory minimum.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that no dumping margins exist for Seco Maschinenbau & Co. GmbH for the period November 1, 1985 through October 31, 1986.

Seco requested partial revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, has agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances specified in the written agreement. Seco has made no sales at less than fair value for two years.

Therefore, we tentatively determine to revoke in part the finding on drycleaning machinery from West Germany with respect to Seco. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise manufactured and exported by Seco and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke in part within 30 days of the date of publication of this notice, may request disclosure within 5 days of the date of publication, and may request a hearing within 8 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department shall not require any cash deposit of estimated antidumping duties for Seco. For any shipments from the other known manufacturers/exporters not covered by this review, the cash deposit shall continue to be at the rate published in the final results of the last administrative review (51 FR 43753, December 4, 1986) for each of those firms. For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after October 31, 1986 and who is unrelated to the reviewed firm or any previously reviewed firm, no cash deposit shall be required. These cash deposit requirements are effective for all shipments of West German drycleaning machinery entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and

353.54 of the Commerce Regulations (19 CFR 353.53a and 353.54).

Date: January 4, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-245 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-085]

Sugar and Syrups From Canada; Final Results of Antidumping Duty Administrative Review and Revocation in Part

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part.

SUMMARY: On November 16, 1987, the Department of Commerce published the preliminary results of its administrative review and intent to revoke in part the antidumping duty order on sugar and syrups from Canada. The review covers one manufacturer/exporter of this merchandise to the United States and the period from April 1, 1986 through February 10, 1987.

We gave interested parties an opportunity to comment on the preliminary results and intent to revoke in part. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results and we revoke the antidumping duty order with respect to Lantic Sugar, Ltd.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601/5255.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 43782) the preliminary results of its administrative review and intent to revoke in part the antidumping duty order on sugar and syrups from Canada (45 FR 24126, April 9, 1980). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Canadian sugar and syrups produced from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar. Sugar and syrups are currently classifiable under items 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated and under item numbers 1701.11.0025, 1701.11.0045, and 1702.90.3000 of the Harmonized System.

The review covers one manufacturer/exporter of Canadian sugar and syrups and the period April 1, 1986 through February 10, 1987.

Final Results of Review and Revocation in Part

We invited interested parties to comment on the preliminary results and intent to revoke in part. We received no comments. Based on our analysis, the final results of review are the same as those presented in the preliminary results of review, and we determine that no dumping margins exist for Lantic Sugar, Ltd. for the period April 1, 1986 through February 10, 1987.

For the reasons set forth in the preliminary results of review and intent to revoke in part, we are satisfied that there is no likelihood of resumption of sales at less than fair value by Lantic Sugar, Ltd. Accordingly, we revoke the antidumping duty order on sugar and syrups from Canada with respect to Lantic Sugar, Ltd.

This partial revocation applies to all unliquidated entries of this merchandise manufactured and exported by Lantic Sugar, Ltd., and entered, or withdrawn from warehouse, for consumption on or after February 10, 1987, the date of our tentative determination to revoke with respect to Lantic Sugar, Ltd.

The Department will instruct the Customs Service not to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

For any future shipments from the remaining known exporter not covered in this review, a cash deposit shall be required at the rate published in the final results of the last administrative review for that firm (52 FR 9322, March 24, 1987).

For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after February 10, 1987, and who is unrelated to any reviewed firm, or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Canadian sugar and syrups entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until publication of the final results of the next administrative review.

This administrative review, revocation in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1) and (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a, 353.54).

Date: January 4, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-244 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-DS-M

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce.

ACTION: Publication of Annual List of Foreign Government Subsidies on Articles of Quota Cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Paul J. McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese. The appendix to this notice lists the country, the subsidy program or programs, and the

gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Gilbert B. Kaplan,

Acting Assistant Secretary, Import Administration.

Date: December 30, 1987.

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Cents per pound	
		Gross [1] subsidy	Net [2] subsidy
Belgium	European community (EC) restitution payments	21.3	21.3
Canada	Export assistance on certain types of cheese	26.7	26.7
Denmark	EC restitution payments	24.2	24.2
Finland	Export subsidy	90.8	90.8
	Indirect subsidies	19.8	19.8
		110.6	110.6
France	EC restitution payments	20.2	20.2
Ireland	EC restitution payments	52.1	52.1
Italy	EC restitution payments	45.1	45.1
Luxembourg	EC restitution payments	21.3	21.3
Netherlands	EC restitution payments	15.0	15.0
Norway	Indirect (Milk) subsidy	18.1	18.1
	Consumer subsidy	40.0	40.0
		58.1	58.1
Spain	EC restitution payments	18.5	18.5
Switzerland	Deficiency payments	94.8	94.8
U.K.	EC restitution payments	17.9	17.9
W. Germany	EC restitution payments	18.3	18.3

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 88-215 Filed 1-6-88; 8:45 am]
BILLING CODE 3510-05-M

Minority Business Development Agency

Business Development Center Program Applications; North Carolina

December 31, 1987.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

Project Number 04-10-88003-01 (52 FR 28181, 7-28-87 and 52 FR 29353, 8-6-87) has been cancelled due to the restrictive eligibility criteria.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Indian Business Development Center (MBDC) Program to operate an IBDC for a 3-year period, subject to available funds and satisfactory performance. The cost of performance for the first *12* months is estimated at *$165,000* for the budget period *04/01/88* to *03/31/89*. The IBDC will operate in the *Cherokee/Asheville, North Carolina* Metropolitan Statistical Area (SMSA). The Project Number is *04-10-88010-01* for the *Cherokee/Asheville, North Carolina SMSA*.

The funding instrument for the IBDC will be a cooperative agreement and competition is open to individuals, non-profit and for profit organizations, local and state governments, American Indian tribes and educational institutes.

The IBDC is designed to provide management and technical assistance to eligible American Indian clients for the establishment and operation of businesses. In order to accomplish this, MBDA supports IBDC programs that can: Coordinate and broker public and private sector resources on behalf of American Indian individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of American business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing assistance.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

CLOSING DATE: The closing date for applications is *February 6, 1988*. Applications must be postmarked on or before *February 6, 1988*.

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia 30390, (404) 347-3438.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(Catalog of Federal Domestic Assistance—11.801 Minority Business Development)

William Brewster,

Business Development Specialist, Atlanta Regional Office.

Date: December 31, 1987.

[FR Doc. 88-178 Filed 1-6-88; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NFMS), NOAA, Commerce.

ACTION: Notice of public hearings and request for comments.

SUMMARY: The Pacific Fishery Management Council (Council) will hold public hearings to receive comments on several proposed harvest allocation alternatives for the non-Indian commercial and recreational ocean salmon fisheries north of Cape Falcon, Oregon, to the U.S.-Canada border.

DATES: Hearings will be held January 6, 1988, in Seattle, Washington, and January 7, 1988, in Astoria, Oregon. Hearings will begin at 7:00 p.m.

Written comments concerning the Council's allocation proposals will be accepted through January 8, 1988. The next Council meeting is January 13–14, 1988.

ADDRESSES: The meeting on January 6 will be at the Seattle Airport Hilton Hotel, 17620 Pacific Highway, South, Seattle, Washington. The meeting on January 7 will be at the Astoria Middle School, 1100 Klaskanine Avenue, Astoria, Oregon.

Send written comments to the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201. A report detailing the allocation alternatives is available from the Council.

The harvest allocation proposals and public comments will be reviewed by the Council at its January 13–14 meeting at the Red Lion-Columbia River, 1401 North Hayden Drive, Portland, Oregon.

SUPPLEMENTARY INFORMATION: Proposed harvest alternatives for ocean salmon north of Cape Falcon were presented to the Council at its November 1987 meeting in a report resulting from the work of user, Council advisory, and agency groups which began in October 1987. At its January 13–14 meeting, the Council could decide to recommend implementation of one new allocation option on an emergency basis for the 1988 ocean salmon season. The Council could select any of the specific options displayed in the report or an entirely new option from the range or alternatives discussed within the report of suggested by public comment. If no action is taken by the Council prior to the 1988 season, the current framework allocation schedule (status quo) will be used again in 1988.

(16 U.S.C. 1801 *et seq.*)

Dated: January 5, 1988.

Richard H. Schaefer,

Acting Director, Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-280 Filed 1-5-88; 1:37 pm]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1988 commodities to be produced and a service to be provided by workshops for the blind or other severely handicapped.

DATE: Comments must be received on or before February 8, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1988, December 10, 1987 (52 FR 46926).

Commodity

Slacks, Utility, Woman's
8410–01–0974–6193
8410–01–0974–6194
8410–01–0974–6195
8410–01–0974–6196
8410–01–0974–6197
8410–01–0974–6198
8410–01–0974–6199
8410–01–0974–6200
8410–01–0974–7868
8410–01–0974–7869
8410–01–0974–7870
8410–01–0974–7871
8410–01–0974–7872
8410–01–0974–7873
8410–01–0974–7874
8410–01–0974–7003
8410–01–0974–7004

Service

Rehabilitation of Recorder Covers (Requirements of U.S. Geological Survey Bay St. Louis, Mississippi only).

C.W. Fletcher,

Executive Director.

[FR Doc. 88-130 Filed 1-6-88; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1988; Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and deletion from procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1988 commodities produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 8, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 23, 1987 and November 6, 1987 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (52 FR 39678 and 42704) of additions and deletion to Procurement List 1988, December 10, 1987 (52 FR 46926).

Additions

Comments on the proposed addition of the side rack, vehicle were received

from the current contractor for the side rack and another firm which produces side racks. The major issues raised concerned the workshop's capability to produce the side racks employing blind or severely handicapped, the impact on the current contractor, and the fair market price for the side rack.

Both commenters questioned the workshop's capability to manufacture the side rack. Both the National Industries for the Severely Handicapped and the procuring activity have conducted on-site inspections of the workshop and have confirmed its capability to produce the side rack. In addition, the procuring activity verified that the workshop would meet the definition of a "manufacturer" under the Walsh-Healey Public Contracts Act. The workshop plans to employ blind or other severely handicapped to perform 88% of the direct labor required in production of the side racks.

The estimated impact on the sales of the current contractor of the addition of the side rack to the Procurement List, based on that firm's sales over the past two years and its projected sales for the year ending June 1988, is less than 4% of total sales. This is not considered to be severe impact. The other commenter was not the successful bidder on either the current contract or the prior contract which was awarded in February 1984. Thus, while adding the side rack will eliminate that firm's opportunity to bid on future procurements of this side rack, it has managed to survive without this business for over four years.

The firm which produces side racks commented that the Committee sets aside items for which the prices "could not be within forty percent of the current bid prices". In accordance with the Committee's pricing policy, the fair market price of $62.43 for this side rack was based on the median of the bids on the most recent solicitation for this item. The commenting firm's bid for the side rack on that solicitation was $63.22. Where bids are available, the prices approved by the Committee are governed by those bids, and the middle of the competitive bids or the award price plus 5 percent, whichever is greater, is used as the basis for establishing those prices.

This side rack meets the definition of suitability contained in 42 CFR 51–2.6.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 7 and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodities listed.

c. The action will result in authorizing small entities to provide the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1988.

Commodities

Side Rack, Vehicle 2510–00–860–0517
Panel Marker, Aerial Liaison 8345–00–174–6865

Deletion

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

Accordingly, the following commodity is hereby deleted from the Procurement List 1987.

Headband, Ground Troop, Helmet Liner 8470–00–153–6671 (Requirements for Mechanicsburg, Pennsylvania and Richmond, Virginia depots only)

C.W. Fletcher,

Executive Director.

[FR Doc. 88–131 Filed 1–6–88; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Ada Board; Meeting

ACTION: Notice of Meeting.

SUMMARY: A meeting of the Ada Board will be held 20–22 January 1988 from 9:00 a.m. to 5:00 p.m. each day, at the National Clarion Hotel at 300 Army/Navy Drive in Arlington, Virginia.

Purpose: The purpose of this Ada Board meeting is to prepare an Ada Board Report that addresses the September 1987 Report of the Defense Science Board Task Force on Military Software.

FOR FURTHER INFORMATION CONTACT: Ms. Jackie Rota, Ada Information Clearinghouse, IIT Research Institute, 4550 Forbes Boulevard, Suite 300, Lanham, Maryland 20706, (202) 694–0209.

Linda M. Bynum,

Alternate Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

January 4, 1988.

[FR Doc. 88–242 Filed 1–6–88; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Cost or Pricing Data.

ADDRESS: Send comments to Mr. Ed Springer, FAR Desk Officer, Room 3225, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Frank Van Lierde, Office of Federal Acquisition and Regulatory Policy, (202) 523–3781.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Prime contractors or any subcontractors on certain Federal contractual actions are required to submit certified cost or pricing data to assure the negotiation of a fair and reasonable price. The threshold for submission of such data was reduced from $500,000 to $100,000 by Pub. L. 98–369.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, *14,781;* responses per respondent, *10;* total annual responses, *147,814;* preparation hours per response, *4;* and total response burden hours, *591,256.*

Obtaining Copies of Proposals: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0013, Cost or Pricing Data.

Dated: December 24, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 88-179 Filed 1-6-88; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: 22 January 1988.

Time: 1400 hours.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board's Ad Hoc Subgroup on Electronic Technology and Devices Laboratory effectiveness review will meet for the initial organizational and planning session. This meeting is open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-233 Filed 1-6-88; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 87-66-NG]

Westcoast Resources, Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on November 25, 1987, of an application filed by Westcoast Resources, Inc. (Westcoast Resources), to extend its existing blanket import authorization from February 4, 1988, the current expiration date, to February 4, 1990, and to increase its volumes from the currently authorized 100 Bcf for the two-year period, to 200 Bcf over a two-year period beginning February 5, 1988.

Westcoast Resources was authorized on September 27, 1985, by DOE/ERA Opinion and Order No. 89, to import up to 100 Bcf of Canadian natural gas for a two-year period for spot market sales in the U.S. The blanket authorization was for a two-year term beginning on the date of first delivery which occurred on February 5, 1986. Under the requested extension, the imported gas would continue to be supplied by Westoast Resources' parent corporation, Westcoast Transmission Company Limited, and other reliable Canadian suppliers from British Columbia and Alberta, as well as the Yukon and Northwest Territories. Westcoast Resources intends to continue importing natural gas for direct sale to U.S. customers or as an agent for gas owned by others. The import would be sold on a spot-market basis to U.S. purchasers, including gas distributors, pipelines, electrical utilities, and industrial and agricultural end-users. All transactions would be freely negotiated at arms-length to ensure the import is competitive and market responsive. Westcoast Resources states that no new pipeline facilities will be required in order to import the gas. The point of importation will continue primarily to be Sumas, Washington. Transportation will continue to be provided by Northwest Pipeline Corporation and other pipeline and distribution systems.

Westcoast Resources states that it will continue to file reports with ERA within 30 days after the end of each calendar quarter. Quarterly reports filed with ERA under Order No. 89 indicate Westcoast Resources has imported 40.7 Bcf of natural gas through September 30, 1987.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protects, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than January 28, 1988.

FOR FURTHER INFORMATION CONTACT:

Allyson C. Reilly, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9394

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions or intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.s.t., January 28, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an

oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Westcoast Resources' application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076 at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-250 Filed 1-6-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER88-10-000 et al.]

Nevada Power Company et al.; Electric Rate and Corporate Regulation Filings

December 31, 1987.

Take notice that the following filings have been made with the Commission:

1. Nevada Power Company

[Docket No. ER88-10-000]

Take notice that on December 4, 1987, Nevada Power Company tendered an amendment for filing a proposed change in its FPC Electric Service Tariff No. 41. The change reduces the demand charge on this tariff from 12.48 dollars per KW to 11.75 dollars per KW.

The change to this tariff is a result of Nevada Power Company's compliance with Docket No. RM87-4-000; Order No. 475, issued June 26, 1987. This Order allows electric utilities to make an abbreviated filing to file for certain rate decreases under section 205 of the Federal Power Act (FPA) to reflect a decrease in the Federal income tax rate from 46 percent to 34 percent.

Copies of the amended filing were served upon the City of Needles, California, the Public Service Commission of Nevada, the Nevada Office of Consumer Advocate, the California Public Utilities Commission and the Federal Energy Regulatory Commission, San Francisco Office.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Iowa Electric Light and Power Company

[Docket No. ER88-153-000]

Take notice that on December 22, 1987, Iowa Electric Light and Power Company (Iowa Electric) tendered for filing an interchange agreement (Agreement), between the Board of Municipal Utilities of Sikeston, Missouri (Sikeston) and itself.

The Agreement sets forth the terms and conditions for the interchange of energy between Iowa Electric and Sikeston.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Mississippi Power Company

[Docket No. ER88-156-000]

Take notice that on December 18, 1987, Mississippi Power Company tendered for filing a change in use fees pursuant to a Transmission Facilities Agreement between Gulf States Utilities Company and Mississippi Power Company. The proposed change would reduce the return on common equity component of the formula described in Exhibit B thereto from 16% to 14%.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Pacific Power & Light Company, an assumed business name of Pacificorp

[Docket No. ER88-158-000]

Take notice that on December 22, 1987, Pacific Power & Light Company, an assumed business name of PacifiCorp tendered for filing, in accordance with section 35 of the Commission's Regulation's Revision No. 1 to Exhibit B of Contract No. DE-MS79-83BP90909 (Two-Way O&M Agreement) between Pacific and the Bonneville Power Administration (Bonneville), Pacific's Rate Schedule FERC No. 239. Exhibit B specifies equipment owned by Bonneville that is operated and maintained by Pacific at Bonneville's expense (O&M Services) and sets forth the annual charges for such O&M Services.

Pacific requests waiver of the Commission's Notice requirements to permit Revision No. 1 to Exhibit B to become effective March 14, 1986, this date being the date on which service commenced.

Copies of this filing were supplied to the Public Utility Commission of Oregon and Bonneville.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this notice.

5. UtiliCorp United Inc. d/b/a Missouri Public Service

[Docket No. ER88-89-000]

Take notice that on December 22, 1987, UtiliCorp United Inc. d/b/a Missouri Public Service (MPS) tendered for filing an amended filing to a previously noticed filing for proposed changes in its FERC Electric Service Tariffs for wholesale firm power service to supersede and replace those rate provisions of contract rate schedules presently in effect and on file with the Commission which relate to eight wholesale customers located in the state of Missouri as follows:

Wholesale Customers	Superseding and Replacing
1. City of El Dorado Springs	Supplement No. 1 to FERC Rate Schedule No. 48.
2. City of Galt	Supplement No. 14 to FERC Rate Schedule No. 38.
3. City of Gilman City	Supplement No. 5 to FERC Rate Schedule No. 46.
4. City of Harrisonville	Supplement No. 14 to FERC Rate Schedule No. 39.
5. City of Liberal	Supplement No. 14 to FERC Rate Schedule No. 36.
6. City of Odessa	Supplement No. 5 to FERC Rate Schedule No. 47.
7. City of Pleasant Hill	Supplement No. 14 to FERC Rate Schedule No. 34.
8. City of Rich Hill	Supplement No. 1 to FERC Rate Schedule No. 49.

The proposed changes would decrease revenues from jurisdictional sales and service by $219,118 based on the adjusted twelve month period ended September 30, 1983. The purpose of filing the proposed Municipalities-Resale Rate Schedules is to voluntarily reduce rates under section 205 of the Federal Power Act, including particularly § 35.27 of the Commission's regulations thereunder, to reflect the reduction in the Federal corporate income tax rate from 46% to 34% pursuant to the Tax Reform Act of 1986. The amended filing reflects changes in "A" and "C" of the formula for determining the rate adjustment to reflect the change in the Federal corporate income tax rate. MPS requests that waiver of § 35.3 of the Commission Regulations be granted and that the proposed rate schedule changes be made effective July 1, 1987.

Copies of the filing were served upon the eight Municipalities-Resale customers whose rates and charges

would be affected thereby, and upon the Public Service Commission of Missouri.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this notice.

6. APS Group-PJM Group Interconnection Agreement; West Penn Power Company The Potomac Edison Company Monongahela Power Company (APS Group); Pennsylvania-New Jersey-Maryland Interconnection (PJM Group)

[Docket No. ER88-157-000]

Take notice that on December 22, 1987, the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection tendered for filing on behalf of the above listed parties to the APS-PJM Agreement, Schedule 9.04 superseding Schedule 9.03 currently in effect.

Proposed Schedule 9.04 modifies the rates charged by either Group for Non-Replacement Energy. Fixed adders are replaced by ceiling rates and provision is made for ceiling services charges. The parties have requested an effective date of January 1, 1988 for proposed Schedule 9.04.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this document.

7. Iowa Public Service Company

[Docket No. ER88-154-000]

Take notice that on December 22, 1987, Iowa Public Service Company (IPS) tendered for filing, pursuant to Part 35 of Federal Energy Regulatory Commission regulation, an agreement for the sale of short term firm power associated energy executed by IPS and St. Joseph Light & Power Company (SJLP), whereby IPS agrees to sell and SJLP agrees to purchase 6 megawatts (MW) of firm electric capacity associated energy equal to or less than a 30% monthly load factor beginning June 1, 1987 and continuing through November 30, 1987.

IPS states that it has also filed a schedule of data including estimated revenues to the Company resulting from the transaction provided pursuant to Commission Rule 35.12(b)(1). In accordance with Commission Rule 35.12(b)(2)(i) and 35.12(b)(2)(ii), a statement of the basis of the rate associated with these agreements is provided in a summary schedule of the cost computation involved in deriving rates in these agreements.

IPS requests that the Commission waive the notice requirements of § 35.11 of its rules and permit the Agreement to become effective as a filed rate schedule as of June 1, 1987.

Comment date: January 14, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-227 Filed 1-6-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-137-000 et al.]

ANR Pipeline Company et al.; Natural Gas Certificate Filings

January 4, 1987.

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP88-137-000]

Take notice that on December 21, 1987, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP88-137-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing new storage services pursuant to two new rate schedules, Rate Schedules FSS (Firm Storage Service) and DDS (Deferred Delivery Service) to be incorporated in a new ANR Original Volume No. 1-B FERC Gas Tariff.

ANR states that the proposed Rate Schedule FSS provides for a firm winter storage service. It is stated that under such rate schedule, one option is storage service only. It is further stated that the other option under such schedule is a combined storage and transportation service option, under which both storage and firm transportation to and from storage is included. ANR states that for the period November 1 through March 31 (winter period), the maximum daily withdrawal quantity cannot be greater than 1/50 of the maximum storage quantity, nor less than 1/150 of the maximum storage quantity. The maximum daily withdrawal quantity and maximum storage quantity, it is indicated, would be specified in the FSS service agreement. ANR states that requests for withdrawals above the maximum daily withdrawal quantity would be accepted on a best efforts basis. It is stated that for the period April 1 through October 31 (summer period), the maximum daily injection quantity is 1/200 of the maximum storage quantity. ANR further states that requests for injection quantities above the maximum daily injection quantity would be accepted on a best efforts basis.

It is explained that on an annual basis, a FSS customer which is an existing sales customer of ANR may elect to purchase injection gas from ANR or others. ANR states that if a FSS customer purchases injection gas from ANR under resale Rate Schedules CD-1, MC-1 or SGS-1 of Original Volume No. 1 of ANR's FERC Gas Tariff, the transportation components of the FSS rate would be waived for such quantities that a FSS customer purchases under said resale rate schedules. To effectuate this provision, ANR requests such certificate authority as is necessary to add to all of its existing CD-1, MC-1 and SGS-1 service agreements the Injection/Withdrawal Point as a point of delivery under such service agreements.

ANR states that the charge for FSS service would consist of a FSS deliverability reservation charge of $2.05 per dth per month, a FSS capacity reservation charge of $.2520 per dth, a FSS injection-withdrawal commodity charge of $.0011 per dth, plus applicable transportation reservation and commodity charges if the combined storage and transportation service option is chosen. It is stated that such transportation charges are equal to the maximum and minimum FTS-1 rates under ANR's Original Volume No. 1-A FERC Gas Tariff. It is also stated that fuel shall consist of 1 percent for storage and up to 3 percent for transportation, which shipper, at its option, may provide in kind or reimburse ANR for at ANR's cost of gas. It is explained that if transportation from the point(s) of receipt to storage and from storage to the point(s) of delivery is provided under separate FTS-1, FTS-2 or ITS agreements, the mainline area access reservation and mainline area access commodity charges under Rate Schedules FTS-1, FTS-2 or ITS covering transportation to and from storage will

be charged only on injection. It is stated that Rate Schedule FSS would be available to all shippers on a first-come, first-served basis.

It is stated that Rate Schedule DDS (Deferred Delivery Service) is an interruptible storage service that ANR would make available from time to time if it has storage capacity available after providing for firm resale, firm storage and firm transportation obligations. It is stated that under the DDS storage service option, only storage service is provided. It is also stated that under the DDS combined storage and transportation service option, interruptible transportation to and from storage is also included. It is explained that subject to ANR's best efforts to withdraw gas, the maximum daily withdrawal quantity is 1/30 of the customer's working storage gas as of the last day of the prior month. It is also explained that subject to ANR's best efforts to inject gas, the maximum daily injection quantity is 1/30 of the customer's maximum storage quantity. It is stated that ANR may, if storage capacity is needed to meet its firm obligations, require shipper, upon forty-eight hours notice to withdraw all DDS working storage gas within forty-five days. It is indicated that any working storage gas remaining at the end of such forty-five day period would be retained by ANR.

ANR states that, on a monthly basis, a DDS customer which is an existing sales customer of ANR may elect to purchase injection gas from ANR or others. It is stated that if a DDS customer purchases injection gas from ANR under resale Rate Schedules CD–1, MC–1 or SGS–1 of Original Volume No. 1 of ANR's FERC Gas Tariff, the transportation components of the DDS rate would be waived for such quantities that a DDS customer purchases under said resale rate schedules. It is stated that DDS charges would consist of a monthly storage commodity charge of 6.22¢ per dth of monthly average working storage gas, plus applicable transportation charges if the combined storage and transportation service option is chosen. ANR states that such transportation charges are equal to the maximum and minimum ITS rates under ANR's Original Volume No. 1–A FERC Gas Tariff. It is further stated that fuel would consist of 1 percent for storage and up to 3 percent for transportation, which shipper, at its option, may provide in kind or reimburse ANR for at its cost of gas. ANR avers that if transportation from the point(s) of receipt to storage and from storage to the point(s) of delivery is provided under separate FTS–1, FTS–2 or ITS agreements, the mainline area access reservation and mainline area access commodity charges under Rate Schedules FTS–1, FTS–2 or ITS covering transportation to and from storage would be charged only on injection. Rate Schedule DDS is available to all shippers on a first-come, first-served basis, it is explained.

ANR requests authority to provide service under the above described rate schedules for interested customers, without further authorization by the Commission. ANR also requests authority to discount rates between the maximum and minimum rates requested. ANR states that it is willing to condition such self-implementing and discounting authority on its being an open access transporter.

ANR also requests authority to modify Section 6 of the General Terms and Conditions of its Original Volume No. 1–A FERC Gas Tariff to permit ANR to add the Point of Injection/Withdrawal to existing FTS–1, FTS–2 or ITS agreements without changing a shipper's priority for service.

It is stated that no facilities would be required to provide the services proposed. It is further indicated that existing storage capacity, presently devoted to providing sales peaking capability, would be utilized to the extent capacity is made available by ANR's sales customers' contract demand conversions or reductions, if any, and changes in operating requirements.

Comment date: January 25, 1988, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gulf Transmission Company

[Docket No. CP88–141–000]

Take notice that on December 21, 1987, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP88–141–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate an offshore lateral under its certificate issued in Docket No. CP83–496–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gulf proposes to construct and operate approximately 18.5 miles of 16-inch diameter pipeline which would extend from Garden Banks area block 236, offshore Louisiana, to an interconnection with the existing Blue Water System in West Cameron area block 624, offshore Louisiana. It is anticipated that the facilities would be constructed during the summer of 1988 at an estimated cost of $9,931,000.

Columbia Gulf states that the proposed facilities would be used to attach gas reserves in Garden Banks area blocks 192, 193, 236, and 237. It is estimated that the proven reserves in these blocks is approximately 100 Bcf with an intitial deliverability of 92,000 Mcf per day. Columbia Gulf expects to transport approximately one third of the total reserves from the area on behalf of its affiliate, Columbia Gas Transmission Corporation (Columbia Gas), which would purchase such reserves for its system supply. Columbia Gulf states that the remainder of the gas reserves would be transported for third parties under its Order No. 436 blanket certificate in Docket No. CP86–239–000. It is indicated that somewhat less than half of the reserves not purchased by Columbia Gas would be transported on behalf of Chevron for ultimate delivery to Texas Eastern Transmission Corporation in partial satisfaction of the Gulf warranty obligation (CI64–26). The balance of the reserves, it is explained, would likely be sold on the spot market.

Comment date: February 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Colorado Interstate Gas Company

[Docket No. CP85–447–005]

Take notice that on December 16, 1987, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85–447–005, a petition pursuant to section 7 of the Natural Gas Act to amend the Commission's order issued on September 30, 1985 in Docket No. CP85–447–000 as amended December 12, 1985, in CP85–447–001 and December 29, 1985, in Docket No. CP85–447–003, in order to add receipt points, add and delete end users, increase the maximum daily quantity of gas subject to transportation, and extend the term of the certificate authorization, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to amendments to its gas transportation agreement with Western Natural Gas and Transmission Corporation (Western) executed August 13, 1987, CIG requests that the Commission further amend its order issued in Docket No. CP85–447–000 to authorize:

1. The addition of eight receipt points,

to be located in the states of Kansas, Oklahoma, and Wyoming;

2. The addition and deletion of certain end users specified in its petition;

3. An increase in the maximum volume of natural gas authorized to be transported, on an interruptible basis, from 15,000 Mcf to 20,000 Mcf per day; and

4. The extension of the term of the certificate authorization to June 1, 1989.

In all other respects, the Commission's authorization shall remain unchanged.

CIG states that all new receipt points are existing interconnections and, therefore, no new facilities are required to effectuate its proposal. CIG further states that certain of the deliveries to the new receipt points would be made by interstate pipelines and that such pipelines either have authorization to transport gas to the receipt points or would obtain it. Finally, CIG advises that upon receipt of the authorization, the subject amendments would be filed as part of CIG's Rate Schedule X–58 and included in its FERC Gas Tariff, Original Volume No. 2.

Comment date: January 25, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Appendix

Customer	Location	Volume (MCF)		End use	Estimated cost
		peak day	annual		
Terry Legleiter	Ellis County, KS	2	120	Domestic	$850
Stramel Farms, Inc.	Thomas County, KS	24	800	Irrigation	850
Westech Energy Co., Inc.	Barton County, KS	36	2,200	Commercial	1,150
Greg A. Jones	Yuma County, CO	10	600	Commercial	850
Harry D. Ratzlaff	Hamilton County, NE	36	1,200	Irrigation	1,150
Glenn Stramel	Ellis County, KS	2	120	Domestic	850
CAM & N Farms	Frankline County, NE	24	800	Irrigation	850

Comment date: February 18, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Transwestern Pipeline Company

[Docket No. CP88–133–000]

Take notice that on December 17, 1987, Transwestern Pipeline Company (Transwestern), P. O. Box 1188, Houston, Texas 77001, filed in Docket No. CP88–133–000 an application pursuant to section 7(c) of the Natural Gas Act, and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of others, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern states that it intends to transport natural gas on behalf of shippers and elects to become a transporter under the terms and conditions of the Commission's Order No. 436 and Order No. 500, in accordance with the terms and conditions set forth in a Stipulation and Agreement filed by Transwestern in Docket Nos. RP85–175–000 and CP86–276–000. Transwestern states that, subject to the terms and conditions of, and rights and obligations under such Stipulation and Agreement, it is willing to accept and would comply with the conditions in paragraph (c) of § 284.221 of the Commission's Regulations which paragraph refers to Subpart A of Part 284 of the Commission's Regulations.

Comment date: January 25, 1988, in accordance with Standard Paragraph F at the end of this notice.

6. Yukon Pacific Corporation

[Docket No. CP88–105–000]

Take notice that on December 3, 1987, Yukon Pacific Corporation (Yukon Pacific, P. O. Box 101700, Anchorage, Alaska 99510) filed in Docket No. CP88–105–000 an application pursuant to Department of Energy Delegation Order No. 0204–112 (49 FR 6684), as interpreted by the Federal Energy Regulatory Commission's (Commission) Declaratory Order issued May 27, 1987, *(Yukon Pacific Corporation,* 39 FERC ¶61,216 (1987)) for authorization to utilize a site certain at Anderson Bay, Alaska located at the Port of Valdez, Alaska, for the exportation from the United States of liquefied natural gas (LNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Yukon Pacific, an investor-corporation organized under the laws of the state of Alaska, states that it was formed to, among other things, construct, operate and maintain the Trans-Alaska Gas System (TAGS) and to market natural gas transported through TAGS in the Pacific Rim countries of the Republic of China (Taiwan), Japan, and the Republic of Korea. Currently, no facilities exist in the state of Alaska ot transport Alaskan North Slope natural gas to any market, either domestic or foreign, it is indicated.

It is stated that the TAGS Project includes the construction of a wholly intrastate 796.5 mile, 36-inch diameter, buried and chilled natural gas pipeline originating at Prudhoe Bay, Alaska Bay, Alaska, Yukon Pacific avers that the pipeline is designed to transport up to 2.3 Bcf of natural gas per day. It is explained that the TAGS Project also includes (1) The construction of an LNG plant designed to remove any impurities from the incoming gas and to reduce the temperature of the transported gas to minus 259° F, thereby condensing the gas to a liquid state for storage and shipping; (2) the construction of four LNG storage tanks, each with an individual capacity of 800,000 barrels (bbls); (3) the construction of a marine terminal designed to berth and load two LNG tankers; and (4) LNG ocean transport vessels having individual cargo capacities of a nominal 125,000 cubic meters. The natural gas production wells and gathering systems necessary for, but apart from the TAGS project, are already in place to produce and gather the gas from the North Slope reservoirs, it is stated.

Yukon Pacific proposes to export up to 14 million metric tons of LNG annually from the proposed Anderson Bay export site, via LNG ocean transport vessels, for a term of at least 25 years, commencing some time in 1996.

It is stated that on December 18, 1986, Yukon Pacific filed a Petition for Declaratory Order with the Commission

4. K N Energy, Inc.

[Docket No. CP88–138–000]

Take notice that on December 21, 1987, K N Energy, Inc. (K N), P. O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP88–138–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate 7 sales taps for the delivery of natural gas to end users located along its pipeline under the certificate issued in Docket Nos. CP83–140–000, CP83–140–001, and CP83–140–002 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

K N proposes to install taps for deliveries to the customers and pursuant to the details shown in the appendix below.

It is stated that the proposed taps are not prohibited by any of K N's existing tariffs. It is asserted that the deliveries through the additional taps would have no significant impact on K N's peak day and annual deliveries.

in Docket No. GP87–16–000, requesting the Commission to declare the extent of its jurisdiction over the construction, maintenance, and operation of Yukon Pacific's proposed intrastate natural gas transportation and liquefaction facilities. Applicant states that on May 27, 1987, the Commission issued a Declaratory Order in response to Yukon Pacific's petition seeking a jurisdictional determination as to the applicability, if any, of the Natural Gas Act to the TAGS Project. In that Order, states Yukon Pacific, the Commission (1) determined that the the construction and operation of the TAGS Project falls beyond the jurisdictional purview of section 7 of the Natural Gas Act, (2) declined "to exercise any discretionary authority it may have under section 3 of the Natural Gas Act to regulate the siting, construction and operation of the TAGS pipeline" (39 FERC (CCH) at p. 61,759), but (3) determined that pursuant to the "allocation of authority in the Secretary's delegation orders" it has limited jurisdiction to approve or disapprove (to the extent not previously disapproved by the Administrator) the place of export of the natural gas" (*Id.* at ¶61,758). Yukon Pacific, therefore, states that its filing is being made in response to the Commission's own interpretation of the authority delegated to the Commission by the Secretary of Energy, as set fourth in Part (3) above. According to Yukon Pacific, the factual predicates upon which the Commission's Declaratory Order is based have not changed. Yukon Pacific states that its application is being submitted for the sole purpose of obtaining authorization to utilize the place of export proposed by it.

Yukon Pacific indicates that the Department of Interior and the Army Corps of Engineers have prepared a Draft Environmental Impact Statement (DEIS), issued in Septemer 1987, which includes a study of the entire project from Prudhoe Bay to Anderson Bay. The FERC environmental staff participated as a cooperating agency in preparation of the DEIS, it is stated. As a cooperations agency, the FERC staff provided comments on the DEIS on November 20, 1987, and is working with the Bureau of Land Management on completion of the Final Environmental Impact Statement, it is indicated.

Yukon Pacific states that its filing is not in conformance with, nor is being submitted pursuant to, the Commission's import/export regulations set forth at 18 CFR Part 153. It is stated that none of the Commission's regulations directly contemplate Yukon Pacific's Application as required by the Commission's Declaratory Order. Therefore, it has prepared its application using portions of the Part 153 regulations as a general guideline, it is explained.

The application incorporates by reference the TAGS Project Environmental Impact Statement for primary consideration by the Commission in determining the place of export and, further, requests the Commission to act upon the application expeditiously. A delay in making the requested determination would possibly cause Yukon Pacific and the United States to forfeit an $80 billion LNG market to Indonesian and other competing foreign suppliers, it is indicated.

Comment date: January 25, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–228 Filed 1–6–88; 8:45 am]

BILLING CODE 5717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00252; FRL-3313-3]

FIFRA Scientific Advisory Panel; Open Meeting of Subpanel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) Subpanel, which will be convened by EPA to review the Agency's revisions to the guidelines for testing of microbial pest control agents (MPCAs), Subdivision M of the Pesticide Assessment Guidelines. The Subpanel will be chaired by Dr. James Tiedje of the SAP.

DATES: The meeting will be held Friday, January 22, 1988, from 9 a.m. to 4 p.m.

ADDRESS: The meeting will be held at: Environmental Protection Agency, Rm. 1112, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT:

By mail:

Stephen L. Johnson, Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS–757C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1121, Crystal Mall Building No. 2, Arlington, VA, (703–557–7695).

SUPPLEMENTARY INFORMATION: A Subpanel of the FIFRA Scientific Advisory Panel will meet to consider the Agency's scientific issues on its proposed revisions to Subdivision M Guidelines for testing of microbial pest control agents (MPCAs). Subdivision M also contains guidelines for testing biochemical pesticides (e.g., pheromones, hormones, natural insect and plant growth regulators, and enzymes), but they are not included in the scope of this meeting. The unique characteristics of MPCAs require that they be tested differently from chemical pesticides. For example, unlike chemical pesticides, MPCAs may survive and reproduce in the environment, and may infect or cause disease in other living organisms. Thus, testing protocols must be designed specifically to allow for evaluation of these end points.

In 1983, the Agency published separate guidelines for MPCAs in order to address these special testing needs. Since Subdivision M was published in 1983, the Agency has obtained results from its research in MPCA protocol development and has gained considerable experience with risk assessment of these agents. Accordingly, there is a need to revise and update portions of the guidelines dealing with microorganisms in order to incorporate this new information.

Experts in the following areas have been selected to serve on the Subpanel: Environmental microbiology, plant pathology, human pathology, veterinary medicine, virology, ecology, entomology and soil microbiology.

Copies of documents relating to this review process may be obtained by contacting: By mail:

Program Management and Support Division (TS-757C) Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 240, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2805).

Any member of the public wishing to submit written comments should contact Stephen L. Johnson at the address or telephone number given above to be sure that the meeting is still scheduled. Interested persons are permitted to file such statements before the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into considereation by the Subpanel in formulating comments. Persons wishing to make oral and/or written statements should notify the Executive Secretary and submit 10 copies of a summary no later than January 14, 1988, in order to ensure appropriate consideration by the Subpanel.

Dated: December 31, 1987.

Victor J. Kimm,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 88-218 Filed 1-6-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-009238-017.

Title: Greece/United States Atlantic and Gulf Conference.

Parties: Farrell Lines, Inc.; Sea-Land Services, Inc.; Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would expand the agreement's geographic scope to include U.S. Pacific coast ports and Canadian Atlantic, Pacific and Great Lakes ports, and U.S. and Canadian coastal and interior points via such new U.S. and Canadian ports.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

Dated: January 4, 1988.

[FR Doc. 88-232 Filed 1-6-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Cayuga Lake Bank Corp. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 22, 1988.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Cayuga Lake Bank Corporation,* Union Springs, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Cayuga Lake National Bank, Union Springs, New York.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *CNB, Inc.,* Lake City, Florida; to acquire 100 percent of the voting shares of Citizens Bank of Live Oak, Live Oak, Floria, a *de novo* bank. Comments on this application must be received by January 28, 1988.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First of America Bancorporation,* Indiana, Kalamazoo, Michigan; to merge with Rensselaer Financial Corporation, Rensselaer, Indiana, and thereby indirectly acquire State Bank of Rensselaer, Rensselaer, Indiana.

2. *First of America Bank Corporation,* Kalamazoo, Michigan; to acquire 100 percent of the voting shares of Rensselaer Financial Corporation, Rensselaer, Indiana, and thereby indirectly acquire State Bank of Rensselaer, Rensselaer, Indiana.

3. *First United Bancorp, Inc.*, Middletown, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of First United Bank, Middletown, Indiana. Comments on this application must be received by January 28, 1988.

4. *Traer Shares, Inc.*, Traer, Iowa; to acquire 82.83 percent of the voting shares of Brenton Bank & Trust Company of Vinton, Vinton, Iowa.

Board of Governors of the Federal Reserve System, December 31, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–197 Filed 1–6–88; 8:45 am]

BILLING CODE 6210-01-M

IntraOklahoma Bancshares, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 27, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *IntraOklahoma Bancshares, Inc.*, Ponca City, Oklahoma; to engage *de novo* through its subsidiary, Strategic Data Services, Ltd., a limited partnership, and Strategic Data Services, Inc., general partner, in providing data processing and data transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Gulf Southwest Bancorp, Inc.*, Houston, Texas; to engage *de novo* through its subsidiary, G.S.W. Data Processing, Inc., Houston, Texas, in providing data processing and data transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y. These activities will be conducted in the State of Texas. Comments on this application must be received by January 22, 1988.

Board of Governors of the Federal Reserve System, December 31, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–198 Filed 1–6–88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies; InvestCo Partnership

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must ne received not later than January 22, 1988.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *InvestoCo Partnership*, Tacoma, Washington; to acquire 15.82 percent of the voting shares of Valley Bank Corporation, Sumner, Washington, and thereby indirectly acquire Bank of Sumner, Sumner, Washington.

Board of Governors of the Federal Reserve System, December 31, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–199 Filed 1–6–88; 8:45 am]

BILLING CODE 6210-01-M

Lenora Bancshares, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than January 27, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lenora Bancshares, Inc.*, Lenora, Kansas; to acquire Lenora Insurance Agency, Inc., Lenora, Kansas, and thereby engage in general insurance agency activities in a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activitives will be conducted within a 15 mile radius of Lenora, Kansas.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Sanwa Bank, Limited*, Osaka, Japan; to acquire Lake Leasing Corporation, Rochester, Michigan, and thereby engage in leasing and related extensions of credit pursuant to § 225.25(b)(5) of the Board's Regulations Y.

Board of Governors of the Federal Reserve System, December 31, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-200 Filed 1-6-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations For Representatives of Consumer and Industry Interests on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for consumer and industry representatives to serve on certain public advisory committees or panels in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and for those that will or may occur during the next 17 months.

FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

DATE: Nominations should be received by March 7, 1988 for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives shall be submitted in writing to Naomi Kulakow (address below). All nominations and curricula vitae, which includes nominee's office address and telephone number, for industry representatives shall be submitted in writing to Kay Levin (address below).

FOR FURTHER INFORMATION CONTACT:

For Consumer Interests: Naomi Kulakow, Office of Consumer Affairs (HFE-40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5006.

For Industry Interests: Kay Levin, Center for Devices and Radiological Health (HFZ-20), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857, 301-443-3516.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members representing consumer and industry interests for the following:

Committee or panel	Approximate date representative is needed	
	Consumer	Industry
1. Circulatory system devices panel.	NV	June 30, 1989.
2. Hematology and pathology devices panel.	NV	Immediately.
3. Microbiology devices panel.	NV	Feb. 28, 1989.
4. Obstetrics-Gynecology devices panel.	Jan. 31, 1989	NV.

NV = No vacancy.

Function

The functions of the medical devices panels are to: (1) Review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness to devices.

Consumer and Industry Representation

Section 513 of the act (21 U.S.C. 360c) provides that each medical devices panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the device manufacturing industry.

Nomination Procedure

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. Self-nominations are also accepted. To be eligible for selection, applicants' experience and/or education will be evaluated against Federal civil service criteria for the position to which they will be appointed.

Any organization in the medical device manufacturing industry wishing to participate in the selection of an appropriate member of a particular committee or panel may nominate one or more qualified persons to represent the medical device manufacturing industry. Persons who nominate themselves as industrial representatives will not participate in the selection process. It is, therefore, recommended that all nominations be made by someone with an organization or firm who is willing to participate in the selection process.

Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and, in the case of consumer representative, appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is between 3 and 4 years, depending on the appointment date.

Selection Procedure

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations

which has the responsibility for screening, interviewing, and recommending candidates to the agency for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each organization to consult with the others in selecting a single member representing the device manufacturing industry for that particular committee within 60 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: December 30, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–208 Filed 1–6–88; 8:45 am]

BILLING CODE 4160–01–M

Request for Nominations for Voting Members on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain public advisory committees or panels in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and those that will or may occur during the next 17 months.

FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESSES: All nominations and curricula vitae for the medical devices panels should be sent to J. Thomas Lowe, Center for Devices and Radiological Health (HFZ–70), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

All nominations and curricula vitae for the Device Good Manufacturing Practice Advisory Committee should be sent to Sharon Kalokerions, Center for Devices and Radiological Health (HFZ–332), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

All nominations and curricula vitae for the Technical Electronic Product Radiation Safety Standards Committee should be sent to: Arlene Underdonk, Center for Devices and Radiological Health (HFZ–83), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kay Levin, Center for Devices and Radiological Health (HFZ–20), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857, 301–443–3516.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of voting members for vacancies listed below. If specific expertise is not indicated, individuals should have expertise relevant to the field of activity of the panel or committee.

1. *Anesthesiology and Respiratory Therapy Devices Panel:* Four vacancies occurring immediately; clinicians/researchers with demonstrated experience in the treatment of respiratory disorders with an emphasis on neonatal/pediatric problems and some working experience with new (experimental) therapies including high frequency ventilation and/or extracorporeal membrane oxygenation.

2. *Circulatory System Devices Panel:* Two vacancies occurring June 30, 1988, one vacancy occurring Jun 30, 1989; cardiologists or cardiac surgeons.

3. *Clinical Chemistry and Clinical Toxicology Devices Panel:* Three vacancies occurring immediately, two vacancies occurring February 28, 1988; doctors of medicine or philosophy experienced with clinical chemistry, clinical toxicology, and therapeutic drug monitoring devices.

4. *Dental Devices Panel:* Two vacancies occurring immediately, three vacancies occurring October 31, 1988; individuals with expertise in dental devices and materials.

5. *Device Good Manufacturing Practice Advisory Committee:* Two vacancies occurring May 31, 1989; one representative from State, local, or Federal government and one health professional employed in the human health care area. Areas of committee interest include quality assurance in manufacturing of medical devices to include good manufacturing practice application to the manufacture of computerized devices and in vitro diagnostics and problems associated with the use of medical devices.

6. *Ear, Nose, and Throat Devices Panel:* One vacancy occurring immediately; otolaryngologist with experience in pediatrics.

7. *Gastroenterology-Urology Devices Panel:* Two vacancies occurring December 31, 1987, one vacancy occurring December 31, 1988; interventional radiologist; urologist; clinician/biomedical engineer with experience in membrane transport and hemodialysis or other extracorporeal therapy.

8. *General and Plastic Surgery Devices Panel:* Four vacancies occurring August 31, 1988; dermatologist; pathologist; immunologist; general surgeon; gerontologist; medical statistician/epidemiologist; surgeons of various subspecialties of general and plastic surgery, i.e., maxillofacial, cardiothoracic, and/or microvascular surgery.

9. *General Hospital and Personal Use Devices Panel:* Two vacancies occurring immediately, two vacancies occurring December 31, 1988; surgical oncologist; general surgeon; internist; diabetologist; immunologist; general practitioner.

10. *Hematology and Pathology Devices Panel:* One vacancy occurring immediately, one vacancy occurring February 28, 1989; individuals involved in the practice of medicine or clinical laboratory science familiar with clinical hematology and biotechnology.

11. *Immunology Devices Panel:* One vacancy occurring immediately, one vacancy occurring February 28, 1988, three vacancies occurring February 28, 1989; immunologists with experience in allergies; medical oncologists with experience in tumor diagnosis and treatment.

12. *Microbiology Devices Panel:* Four vacancies occurring February 28, 1989; infectious disease clinicians; individuals with expertise in antimicrobial susceptibility testing devices, and/or virology testing devices and/or biotechnology.

13. *Neurological Devices Panel:* Four vacancies occurring immediately, one vacancy occurring November 30, 1988; neurologists and neurosurgeons.

14. *Obstetrics-Gynecology Devices Panel:* One vacancy occurring January 31, 1988, two vacancies occurring

January 31, 1989: gynecologic laser surgeons; gynecologists with strong background in laparoscopy and/or hysteroscopy.

15. *Ophthalmic Devices Panel*: One vacancy occurring immediately, two vacancies occurring October 31, 1988; ophthalmologists and optometrists.

16. *Orthopedic and Rehabilitation Devices Panel*: One vacancy occurring August 31, 1988, four vacancies occurring August 31, 1989; orthopedic surgeons with expertise in joint structure and function, prosthetic ligament devices, or joint biomechanics and implants, or biomaterials engineers.

17. *Radiologic Devices Panel*: One vacancy occurring immediately, two vacancies occurring January 31, 1988, one vacancy occurring January 31, 1989; radiologist; radiation oncologist; oncologist expert in hyperthermia.

18. *Technical Electronic Product Radiation Safety Standards Committee*: Five vacancies occurring December 31, 1988; three members from affected industries; one member from the general public; and one member from a government agency, including State or Federal government (however, see paragraph below regarding qualifications).

Functions

Medical Devices Panels

The functions of the medical devices panels are to: (1) Review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Device Good Manufacturing Practice Advisory Committee

The function of the Device Good Manufacturing Practice Advisory Committee is to review regulations for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and make recommendations regarding the feasibility and reasonableness of those proposed regulations. The committee also reviews and makes recommendations on proposed guidelines (e.g., Guideline on General Principles of Process Validation) developed to assist the medical device industry in meeting the good manufacture practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations.

Technical Electronic Product Radiation Safety Standards Committee

The function of the Technical Electronic Product Radiation Safety Standards Committee is to provide advice and consulation on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products. The committee may recommend electronic product radiation safety standards for consideration.

Qualifications

Medical Devices Panel

Persons nominated for membership on the medical devices panels shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medial practice, teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are shown above. The term of office is between 3 and 4 years, depending on the appointment date.

Device Good Manufacturing Practice advisory Committee

Persons nominated for membership on the Device Good Manufacturing Practice Advisory Committee should have expertise in any one or more of the following areas: Quality assurance concerning manufacturing of medical devices and/or sterilization of medical devices during the manufacturing process. In addition, nominees should have experience with the use and application of medical devices. The particular needs for this committee are shown above. The term of office is between 3 and 4 years depending on the appointment date.

Technical Electronic Product Radiation Safety Standards Committee

Persons nominated for the Technical Electronic Product Radiation Safety Standards Committee must be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. The particular needs for this committee are shown above. The term of office is between 3 and 4 years, depending on the appointment date.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees or panels. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: December 30, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-206 Filed 1-6-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80P-0100 et al.]

Approved Variances for Laser Light Shows; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for 12 organizations that manufacture and produce laser light shows, light show projectors, or both. The projectors provide a laser light display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below under "**SUPPLEMENTARY INFORMATION.**"

ADDRESS: The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sally Friedman, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under 21 CFR 1010.4 of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted each of the 12 organizations listed in the table below a variance from the requirements of 21 CFR 1040.11(c) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each laser product involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

CDRH has determined that suitable means of radiation safety and protection are provided by constraints on the physical and optical designs and by warnings in the user manuals and on the products. Therefore, on the effective dates specified in the table below, FDA approved the requested variances by a letter to each manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer of the product, each product shall bear on the certification label required by 21 CFR 1010.2(a) a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date/ termination date
80P-0100 (amendment)	Laser Fantasy Productions, Incorporated, 2799 152nd Avenue, NE., Redmond, WA 98052.	Laser Fantasy Productions, Incorporated (formerly Coherent Innovations) Class IV "Rainbow" projectors and for the laser light shows manufactured, assembled, and produced by Laser Fantasy Productions, Incorporated, incorporating these projectors.	Oct. 20, 1987. June 6, 1988.
80P-0201 (renewal)	Rockne Krebs, 1428 "U" Street, NW., Washington, DC 20009.	Laser light sculpture displays and the incorporated Class IV ion gas laser projectors manufactured and produced by Rockne Krebs.	Aug. 21, 1987. June 2, 1989.
83V-0228 (renewal)	The Space Center Tombaugh Planetarium, P.O. Box 53, Alamogordo, NM 88310.	The Space Center's Tombaugh Planetarium laser light show incorporating the Laser Systems Development corporation Laser Projector Model C-3(a).	August 21, 1987. Aug. 5, 1989.
83V-0307 (renewal)	Foursight Visual Systems, Incorporated, d.b.a. Foresight Visuals, Incorporated, P.O. Box 5312, North Hollywood, CA 91616.	Foursight Visual Systems Model 118 and Model 4 laser projection systems and devices and for laser light shows assembled, produced, and performed by the firm.	Oct 20, 1987. Sept. 15, 1989.
85V-0340 (renewal)	Peachtree Laser, Incorporated, 165C Howell Mill Road, Atlanta, GA 30318.	Peachtree Laser, Incorporated, laser light shows incorporating the Laser Media LMS and/or Science Faction SFC-2000 projectors.	Sept. 15, 1987 Sept. 13, 1989.
86V-0327	Rarefield Media Productions, 337 West 76th Street, New York City, NY 10023.	Class IV Laser-Graph Series I and II laser projectors manufactured by Rarefield Media Productions and for laser light shows assembled and produced by Rarefield Media Productions.	Oct. 9, 1987. Oct. 9, 1989.
87V-0209 (amendment)	Laser FX, 1554 Kingston Drive, Escondido, CA 92027.	Model FX-1 Class IV laser projector with argon laser systems manufactured by Laser FX and for laser light shows assembled and produced by Laser FX incorporating these projectors or the Sea World Model SW-1 Class IV ion laser projectors.	Aug. 24, 1987. June 29, 1989.
87V-0222	Matthew Tanteri Studios, 10-63 Jackson Avenue, Long Island City, NY 11101.	Laser light shows assembled and produced by Matthew Tanteri Studio incorporating the firm's MTS series laser projectors.	Sept. 9, 1987. Sept. 9, 1989.
87V-0272	Charles Hayden Planetarium, The Museum of Science, Science Park, Boston, MA 02114.	The Museum of Science Cahners Theater Laser Light Show incorporating a Model CS-1 Class IV laser projector manufactured by Laser images, Incorporated.	Sept. 28, 1987. Sept. 28, 1989.
87V-0310	Chinese American Family Entertainment, Incorporated, 1003 Arch Street, Philadelphia, PA 19107.	Tracadero Club laser light shows using the LaserMedia, Incorporated Class IV LMS laser projection system with argon, krypton, and/or or helium-neon lasers.	Sept. 25, 1987. Sept. 25, 1989.
87V-0311	Coherent Productions, Box 82023, Lincoln, NE 68501.	Coherent Productions laser light shows incorporating the Laser Systems Development Corp. Model C-3 laser projector with Class IIIb argon and helium-neon laser systems.	Sept. 29, 1987 Sept. 29, 1989.
87V-0352	Pace Sound and Lighting, Incorporated, 2504 Bayou Road, New Orleans, LA 70119.	Pace Sound and Lighting, Incorporated laser light shows which incorporate the LaserMedia Model LMS laser projection system.	Nov. 25, 1987. Nov. 25, 1989.

In accordance with § 1010.4, the applications and all correspondence on the applications have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: December 23, 1987.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 88–209 Filed 1–6–88; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 87M-0386]

Marco Equipment, Inc.; Premarket Approval of Laseron ND:YAG Ophthalmic Laser

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Health Products Research, Inc., North Branch, NJ, for premarket approval, under the

Medical Device Amendments of 1976, of the LASERON ND:YAG Ophthalmic Laser. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application. After approval of the application, Health Products Research, Inc., was purchased by Marco Equipment, Inc., Jacksonville, FL.

DATE: Petitions for administrative review by February 8, 1988.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7320.

SUPPLEMENTARY INFORMATION: On June 22, 1987, Health Products Research, Inc., North Branch, NJ 08876–5178, submitted to CDRH an application for premarket approval of the LASERON ND:YAG Ophthalmic Laser. The LASERON ND:YAG Ophthalmic Laser is a neodymium: yttrium:aluminum:garnet (ND:YAG) ophthalmic laser that is indicated for discission of the posterior capsule of the eye (posterior capsulotomy) and discission of pupillary membranes (pupillary membranectomy) in aphakic and pseudophakic eyes.

On July 23, 1987, the Ophthalmic Devices Panel, and FDA advisory committee, reviewed and recommended approval of the applicatiaon. On October 29, 1987, CDRH approved the application by letter to the applicant from the Director, Office of Device Evaluation, CDRH.

On November 2, 1987, Health Products Research, Inc., was purchased by Marco Equipment, Inc., Jacksonville, FL 32245.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ–460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 8, 1988, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 21, 1987.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 88–210 Filed 1–6–88; 8:45 am]

BILLING CODE 4160–01–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting:

Detroit District Office, chaired by Alan L. Hoeting, District Director. The topics to be discussed are proposed changes in the criteria for prescription and over-the-counter classification of veterinary drugs to assure that animal food products remain free of unsafe drug residues, and items of current concern.

DATE: Tuesday, January 12, 1988, 10 a.m.

ADDRESS: George Potter Larrick Bldg. Conference Room, 1560 East Jefferson St., Detroit, MI 48207.

FOR FURTHER INFORMATION CONTACT: Evelyn DeNike, Consumer Affairs Officer, Food and Drug Administration, 1560 East Jefferson St., Detroit, MI 48207, 313–226–6260.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: December 28, 1987

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–207 Filed 1–6–88; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–08–4212–12]

Las Cruces District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: A meeting of the Las Cruces District Advisory Council will be held February 9, 1988, in the conference room of the District Office. The meeting will begin at 10:00 a.m., and there will be an opportunity for public comment at 1:00 p.m. It is expected that the meeting will adjourn by 3:30 p.m. The following topics are on the agenda: Wilderness Update; Draft Socorro Resource Management Plan (RMP); White Sands RMP Amendment for McGregor Range; Update on State and Private Land Exchanges; Coordinated Resource Management Plan for the Organ Mountains; and Annual Workplan Update.

ADDRESS: The Las Cruces District Office is located at 1800 Marquess, Las Cruces, NM 88005.

FOR FURTHER INFORMATION CONTACT: Jim Fox, District Manager, (505) 525-8228.

SUPPLEMENTARY INFORMATION: The Council is authorized by the Federal Land Management Policy Act and chartered by the Secretary of the Interior to provide citizen advice to the District Manager on matters relating to the management of public lands and resources.

H. James Fox,

District Manager.

December 30, 1987.

[FR Doc. 88-182 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-940-08-4212-12; A-20347(B)]

Reconveyed Land Opened to Entry; Cochise, Graham and Pinal Counties, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action will open 69,464.37 acres of reconveyed land in Cochise, Graham and Pinal Counties to the Public Land laws.

FOR FURTHER INFORMATION CONTACT: Lisa Schaalman, Arizona State Office, (602) 241-5534.

SUPPLEMENTARY INFORMATION: On April 17, 1986, as authorized under section 206 of the Federal Land Policy and Management Act of October 21, 1976, the United States acquired the following land:

Gila and Salt River Meridian, Arizona

T. 5 S., R. 18 E.,
Sec. 23, SE¼, except that portion in San Carlos Indian Reservation (SCIR);
Sec. 24, all south of SCIR;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all, except that portion in SCIR;
Sec. 28, all south of SCIR;
Sec. 32, all south of SCIR;
Sec. 33, all south of SCIR;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.
T. 5 S., R. 19 E.,
Sec. 32, lots 1-16, incl.
T. 6 S., R. 17 E.,
Sec. 1, S½;
Sec. 2, all south of SCIR;
Sec. 8, SE¼;
Sec. 9, SW¼, SE¼NW¼;
Sec. 10, all;
Sec. 11, all;
Sec. 12, lots 1-4, incl., W½E½, W½;
Sec. 14, lots 1-7, incl., S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 15, all;
Sec. 16, all;
Sec. 17, NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 20, N½NW¼, SE¼SW¼;
Sec. 21, all;
Sec. 22, all;
Sec. 23, lots 1-8, incl.;
Sec. 24, lots 1-8, incl.;
Sec. 25, lots 1-3, incl., E½W½, E½;
Sec. 28, N½;
Sec. 36, E½NE¼, NW¼NE¼.
T. 6 S., R. 18 E.,
Sec. 1, lots 1-4, incl., S½N½, S½;
Sec. 2, lots 1-4, incl., S½N½, S½;
Sec. 3, lots 1-4, incl., S½N½, S½;
Sec. 4, lots 1-4, incl., S½N½, S½;
Sec. 5, lots 1-4, incl., S½N½, S½;
Sec. 6, lots 1, 2, 5-7, incl., S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1-4, incl., E½W½, NE¼;
Sec. 8, N½;
Sec. 9, E½, NW¼;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 19, lots 1-4, incl., E½W½, E½;
Sec. 20, E½NE¼, W½NW¼, SW¼;
Sec. 21, all;
Sec. 22, all;
Sec. 23, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, W½, S½SE¼;
Sec. 30, lots 1-3, incl., E½, E½NW¼, NE¼SW¼;
Sec. 31, W½NE¼;
Sec. 32, N½NE¼, SE¼NE¼, NW¼SW¼, S½S½;
Sec. 33, N½, E½SW¼, SE¼;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.
T. 6 S., R. 19 E.,
Sec. 4, lots 1-4, incl., S½N½, S½;
Sec. 5, lots 1-4, incl., S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 6, lots 1-6, incl., S½NE¼, SE¼;
Sec. 7, lots 1-6, incl., NE¼, N½SE¼;
Sec. 8, lots 1-4, incl., N½S½, NE¼, E½NW¼, SW¼NW¼;
Sec. 9, lots 1-4, incl., N½, N½S½;
Sec. 10, lots 1-4, incl., N½, N½S½;
Sec. 15, all;
Sec. 16, lots 1-10, incl., W½NW¼; SE¼;
Sec. 17, all;
Sec. 18, lots 1-4, incl., E½;
Sec. 20, N½N½, S½S½;
Sec. 21, NW¼, SW¼SW¼;
Sec. 22, all;
Sec. 27, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 28, lots 2-10, incl., S½SW¼;
Sec. 29, lots 1-4, incl., S½N½, S½;
Sec. 31, lots 1-4, incl., E½;
Sec. 32, all;
Sec. 33, lots 1-4, incl., S½N½, S½;
Sec. 34, lots 1, 2, 3, 6, 7.
T. 7 S., R. 18 E.,
Sec. 1, lots 1-4, incl., S½N½, S½;
Sec. 2, lots 1-4, incl., S½N½, S½;
Sec. 3, lots 1-4, incl., S½N½, S½;
Sec. 4, lot 1, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, lots 1-4, incl., S½N½;
Sec. 6, lot 1, SE¼NE¼, SE¼SW¼;
Sec. 7, S½SE¼;
Sec. 8, N½NE¼;
Sec. 9, NE¼, E½NW¼, S½;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, NW¼;
Sec. 15, SW¼.
T. 7 S., R. 19 E.,
Sec. 3, lot 4;
Sec. 4, lots 1-4, incl.;
Sec. 5, lots 1-4, incl., SW¼, S½NW¼;
Sec. 6, lots 1-6, incl., S½NE¼, SE¼;
Sec. 7, lots 1-4, incl., W½E½, E½SE¼;
Sec. 18, SE¼NE¼.
T. 11 S., R. 20 E.,
Sec. 26, NW¼, S½;
Sec. 27, W½;
Sec. 28, E½, E½W½, W½SW¼;
Sec. 33, all;
Sec. 34, W½;
Sec. 36, all.
T. 12 S., R. 19 E.,
Sec. 36, all.
T. 12 S., R. 20 E.,
Sec. 1, lots 1-4, incl., S½N½, S½;
Sec. 2, lots 1-4, incl., S½N½, S½;
Sec. 4, lots 1-4, incl., S½N½, SW¼;
Sec. 10, E½, SW¼;
Sec. 11, W½, N½NE¼;
Sec. 12, N½NW¼, E½E½;
Sec. 15, E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 19, E½SE¼;
Sec. 20, N½, SW¼;
Sec. 21, N½, SE¼;
Sec. 22, SE¼, N½NE¼, SE¼NE¼, W½;
Sec. 23, all;
Sec. 24, all;
Sec. 25, N½N½, S½NE¼, SW¼SE¼, E½SE¼;
Sec. 26, S½NW¼, N½S½, S½SW¼;
Sec. 27, S½NE¼, S½;
Sec. 28, N½N½, S½S½;
Sec. 29, N½N½, S½;
Sec. 30, lots 3,4, SE¼;
Sec. 31, lots 1-4, incl., E½;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, NW¼, S¼.
T. 12 S., R. 21 E.,
Sec. 6, lots 1-7, incl., S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1-4, incl., E½W½, E½;
Sec. 8, SW½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 17, all;
Sec. 18, lots 1-4, incl., E½W½, E½;
Sec. 19, E½;
Sec. 20, W½;
Sec. 29, N½NE¼, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 30, lots 1-4, incl., E½W½, W½SE¼;
Sec. 31, lots 4, SE¼NW¼;
Sec. 32, NE¼, E½NW¼, NE¼SW¼, SE¼.
T. 13 S., R. 20 E.,
Sec. 2, lots 1-4, incl., S½N½, S½.
T. 13 S., R. 21 E.,
Sec. 6, lots 4-7, incl., SE¼NW¼, E½SW¼, SE¼;
Sec. 7, NE¼.

Comprising 69,464.37 acres in Cochise, Graham and Pinal Counties.

At 9:00 a.m. on February 8, 1988, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisons of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on February 8, 1988, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 88-195 Filed 1-6-88 8:45 am]

BILLING CODE 4310-32-M

[AZ-940-08-4212-14; A-21343]

Realty Action: Conveyance of Public Land; Yavapai County, AZ

December 24, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the conveyance of public land to Bullwhacker Associates, a limited partnership.

FOR FURTHER INFORMATION CONTACT: Lisa Schaalman, Arizona State Office, (602) 241-5534.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to sections 203 and 209 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 2757; 43 U.S.C. 1713, 1719), Bullwhacker Associates, a limited partnership, has purchased by non-competitive direct sale, at the fair market value of $850.00, plus $50.00 for the purchase of the mineral estate, the following described land:

Gila and Salt River Meridian, Arizona

T. 14 N., R. 1 W.,
Sec. 31, lot 24.

Containing 0.52 acre of land in Yavapai County, Arizona.

The purpose of this notice is to inform the public and interested State and local government officials of the transfer of land out of Federal ownership.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 88-180 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-32-M

[AZ-020-08-4212-13; A-23149]

Realty Action; Exchange of Public Lands, Maricopa, Pinal and Pima Counties, AZ

All or part of the following described sections containing federal lands are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 2 N., R. 6 W.,
Sections 1, 2, 7, 10, 11, 12, 13, 14, 15, 16, 22 and 24.
T. 3 N., R. 6 W.,
Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36.
T. 5 N., R. 1 W.,
Section 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 22.
T. 6 N., R. 1 W.,
Sections 25, 26, 27, 28, 30, 31, 33, 34 and 35.
T. 2 N., R. 5 W.,
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 18 and 19.
T. 3 N., R. 5 W.,
Sections 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.
T. 7 S., R. 11 E.,
Sections 34 and 35.
T. 8 S., R. 11 E.,
Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34 and 35.
T. 9 S., R. 11 E.,
Sections 1, 5, 6, 7, 8, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34 and 35.
T. 10 S., R. 11 E.,
Sections 4, 5, 6, 7, 9, 10, 11, 13, 14, 20, 21, 28, 33 and 34.
T. 18 S., R. 15 E.,
Sections 10, 11, 14, 15, 22, and 23.

Comprising 95,495.56 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands from appropriation under the public land laws, including the mining laws, subject to valid existing rights, but not the mineral leasing laws or from exchange pursuant to Federal Land Policy and Management Act of 1976.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Henri R. Bisson,

District Manager.

Date: December 30, 1987.

[FR Doc. 88-184 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-32-M

[CA-940-07-5410-10-ZBHE-CA 8883; CA-940-07-5410-10-ZBFG-CA 17684]

Realty Action; Conveyance of Mineral Interests in California; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregative effect—conveyance of the reserved mineral interests.

SUMMARY: This notice will correct errors in the land descriptions in two conveyance of mineral interests applications.

FOR FURTHER INFORMATION CONTACT: Joan Mangold, BLM California State Office, 2800 Cottage Way, Room E-2841, Federal Office Building, Sacramento, California 95825, (916) 978-4815.

The land description for serial No. CA 8883 52 FR 3175, February 2, 1987, is hereby corrected as follows:

The township and range as listed for the legal description as "T. 27 S., R. 15 E., MD Mer." is hereby corrected to read "T. 27 S., R. 32 E., MD Mer." The land description for serial No. CA 17684 52 FR 3175, February 2, 1987, is hereby corrected as follows:

The sections and aliquot parts as listed for the legal description as "Sec. 25, lots 1-3, within; Sec. 25, NE1/4NW1/4, within" is hereby corrected to read "Sec. 23, SE1/4SW1/4, within; SEc. 25, lots 1-3, within; Sec. 25, NE1/4NW1/4 and SE1/4NW1/4, within."

Date: December 29, 1987.

Nancy J. Alex,

Chief, Lands Section, Branch of Adjudication & Records.

[FR Doc. 88-181 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-40-M

[CA-060-08-7122-10-1018; CA-20339]

Realty Action; Exchange of Public and Private Lands in Riverside and San Diego Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action-exchange of public and private lands, CA 20339.

SUMMARY: The following described public lands in San Diego County, California, have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716).

San Bernardino Meridian, California

T. 18S., R. 7E.
Sec. 15: Lots 5 & 6
Containing 78.87 acres, more or less.

In exchange for these lands, the United States will acquire the following described non-federal lands in Riverside County from The Nature Conservancy:

San Bernardino Meridian, California

T. 4S., R. 7E.
Sec. 17: E½NE¼, SW¼NE¼, E½NE¼NW¼NE¼.
Containing 125.00 acres, more or less.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire a portion of the non-federal lands within the 13,030 acre preserve for the Coachella Valley fringe-toed lizard. The lizard is federally listed as threatened and State listed as endangered. The Bureau of Land Management's goal is to acquire approximately 6,700 acres of private land within the preserve. The acres being acquired do not constitute habitat for the lizard, but provide a sand source required for the continuing production of active sand dune areas that are critical habitat for the lizard. Other State and Federal agencies will acquire the remaining portions of the preserve. The public interest will be well served by completing this exchange.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved through acreage adjustment, or by cash payment in an amount not to exceed 25% of the value of the lands being transferred out of federal ownership.

Lands to be transferred from the United States will be subject to:

1. A reservation to the United States of a Right-of-Way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

2. All the Geothermal Steam and associated Geothermal Resources shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this BLM office.

3. A reservation of those rights for a road granted to the Lakeside Sportsman's Club under the Act of October 21, 1976 (43 U.S.C. 1761); Grant No. CA-13205.

Publication of this notice in the **Federal Register** segregates the public lands from operation of the public land laws and the mining law, except for mineral leasing. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

For detailed information concerning this exchange, including the planning documents, environmental assessment and land report, contact John Sullivan, BLM Indio Resource Area Office, (619) 323-4421.

For a period of 45 days after publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Dated: December 30, 1987.

Gerald E. Hillier,

District Manager.

[FR Doc. 88-185 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-40-M

[MT-070-4212-13; M74131]

Realty Action; Montana; Correction

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Correction of notice of realty action.

SUMMARY: This notice corrects the Notice of Realty Action for M74131, published on December 17, 1987 (52 FR 47978). In the listing of additional segregated lands, the portion reading

T. 12 N., R. 16 W.,
Sec. 6, Lots 1,2,3,6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.

should read

T. 11 N., R. 16 W.,
Sec. 6, Lots 1,2,3,6, S¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.

FOR FURTHER INFORMATION CONTACT: Darrell Sall, Area Manager, Garnet Resource Area, Bureau of Land Management, 3255 Fort Missoula Road, Missoula, Montana 59806.

December 30, 1987.

J.A. Moorhouse,

District Manager.

[FR Doc. 88-186 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-DN-M

[NV-930-07-4212-14; N-45097]

Reality Action; Non-Competitive Sale; Elko County, NV

The following land has been found suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at not less than the appraised fair market value of $9,500.00. The land will not be offered for sale until at least 60 days after the date of this notice.

Mount Diablo Meridian, Nevada

T. 35 N., R. 57 E.,
Sec. 8, S½NE¼NE¼NW¼, NE¼SE¼NE¼NW¼.
Containing approximately 7.5 acres.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Carrol J. Barton and Sons. A direct sale of the parcel to Mr. Barton will resolve an inadvertent unauthorized use and occupancy of the lands on which substantial and valuable structural improvements have been construced. The sale is consistent with the Elko Resource Management Plan. The lands are not needed for any resource program and no conflicts with state or local plans are present.

It has been determined that the subject parcel contains no known mineral values except for oil and gas. Therefore, mineral interests, excluding oil and gas, will be conveyed simultaneously with the sale of the Lands. Acceptance of the direct sale offer will constitute an application to purchase the mineral estate having no known mineral value. A nonrefundable fee of $50.00 will be required with the purchase money. Failure to submit the purchase money and the nonrefundable filing fee for the mineral estate within the timeframe specified by the authorized officer will result in cancellation of the sale.

The patent, when issued, will contain the following reservations to the United States:

1. A reservation for ditches and canals will be made to the United States.

2. An oil and gas reservation will be made to the United States.

Further information regarding this sale is available for review at the Elko District Office, Bureau of Land Management, 3900 E. Idaho, Elko, Nevada 89801. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Elko District at the above address. All objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Date: December 29, 1987.

Rodney Harris,

District Manager.

[FR Doc. 88-226 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-HC-M

[NM-010-08-4111-16; NM-010-01000]

Albuquerque District, NM; Oil & Gas Management; Delegation of Authority

AGENCY: Bureau of Land Management (BLM), Albuquerque District, New Mexico, Interior.

ACTION: Notice of change of delegation of authority for Oil and Gas Field Operations in Albuquerque District.

SUMMARY: For the purpose of consolidating authority and responsibility for oil and gas field operations within each Resource Area of Albuquerque District, each Resource Area Manager will have the delegated authority to approve Applications for Permit to Drill (APD) and all related actions and to ensure compliance with all such approvals within their respective Resource Area except as noted below. Oil and gas operators and lessees are hereby notified that as of February 1, 1988, all APDs, Sundry Notices, Disposal of Produced Water requests, Gas Flaring requests, Abandonment Notices, Production Reports and all other correspondence or applications related to oil and gas well actions or operations are to be provided to the appropriate Resource Area Manager with exceptions noted below.

For the purposes of this notice, the review and approval authority of the three Resource Area Managers of Albuquerque District, as of February 1, 1988 is defined as follows:

1. Farmington Resource Area (FRA) consists of San Juan County, McKinley County, western Rio Arriba County, a portion of north-western Sandoval County, and those Navajo and Hopi lands located in Arizona and Utah. FRA is responsible for all field operations work within its defined Area boundary except for engineering technician compliance and production accountability for that portion of FRA in Sandoval County which is accomplished by Rio Puerco Resource Area.

2. Rio Puerco Resource Area (RPRA) consists of Cibola County, Valencia County, the remainder of Sandoval County and Torrance Counties. RPRA has the same field operations responsibilities as FRA within their own Resources Area. Additionally, this Resource Area Manager ensures engineering technician compliance and production accountability for that portion of FRA in Sandoval County and for the entire Taos Resource Area. Petroleum Engineer support for RPRA is provided by the Albuquerque District Office.

3. Taos Resource Area consists of the eastern portion of Rio Arriba County and Taos, Colfax, Union, Mora, Harding, Santa Fe, San Miguel and Los Alamos Counties. Taos Resource Area is responsible for all field operations work within its defined boundaries except that engineering technician compliance and production accountability is performed by RPRA. Petroleum Engineer support is provided by the Albuquerque District Office.

Oil and gas lessee operators with producing or shut-in leases in Rio Puerco or Taos Resource Area are being provided a letter and map which further details this change. In the event where producing or shut-in leases are split by Resource Area lines, the lessee/operator will be notified as to which Resource Area will manage each particular lease. A map indicating the boundaries of the three Resource Areas is available from the contact person listed below.

Those oil and gas applications, correspondences and notices previously filed with the Albuquerque District Office, i.e., NGPA applications, drainage determinations, deligent development and unit and communitization agreements, will continue to be properly filed with the Albuquerque District Office and will be approved by that office. Additionally, the function of establishing Known Geologic Structures remains at the District Office.

Addresses and phone numbers for the District and Resource Areas are as follows:

Bureau of Land Management, Albuquerque District Office, 435 Montano NE, Albuquerque, NM 87107, Telephone (505) 761-4503

Bureau of Land Management, Taos Resource Area, Box 6168, Taos, NM 87571-6168, Telephone (505) 758-8851

Bureau of Land Management, Rio Puerco Resource Area, 435 Montano NE, Albuquerque, NM 87107, Telephone (505) 761-4606

Bureau of Land Management, Farmington Resource Area, Caller Service 4104, Farmington, NM 87499, Telephone (505) 325-4572

FOR FURTHER INFORMATION CONTACT: Sid Vogelpohl, Bureau of Land Management, Albuquerque District, 435 Montano NE, Albuquerque, NM 87107 (Telephone No. 505-761-4503).

Michael F. Reitz,

Acting District Manager.

[FR Doc. 88-183 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-942-08-4520-12]

Arizona; Filing of Plats of Survey

December 28, 1987.

1. The plats of survey of the following described lands were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat (in 4 sheets) representing a dependent resurvey of a portion of the south boundary, a portion of the east boundary, portions of the subdivisional lines and the resurveys of Homestead Entry Surveys Nos. 87 and 375, and a survey of the subdivisions of sections 13, 14, 23, 24, 25, 26, 35 and 36, in Township 22 North, Range 8 East, Gila and Salt River Meridian, Arizona, was accepted December 8, 1987, and was officially filed December 10, 1987.

This plat was prepared at the request of the U.S. Forest Service, Conconino National Forest.

A plat representing a dependent resurvey or a portion of the south boundaries of Townships 12 North, Ranges 8 and 9 East, the dependent resurvey of H.E.S. No. 427, the east boundary of Tract 37, and a metes-and-bounds survey of Tracts 38 and 39, in unsurveyed Township 11½ North, Range 9 East, Gila and Salt River Meridian, Arizona, was accepted November 23, 1987, and was officially filed November 25, 1987.

This plat was prepared at the request of the U.S. Forest Service, Region Three.

A plat (in two sheets) representing a dependent resurvey of a portion of the south boundary and subdivisional lines, and a portion of Homestead Entry Surveys Nos. 181 and 246, a survey of subdivisions in sections 32 and 34, and a survey of lot 13, section 32, and a metes-and-bounds survey in section 34,

Township 12 North, Range 17 East, Gila and Salt River Meridian, Arizona, was accepted November 3, 1987, and was officially filed November 5, 1987.

This plat was prepared at the request of the U.S. Forest Service, Apache-Sitgreaves National Forest.

A plat representing a dependent resurvey of a portion of the subdivisional lines, and a survey of the subdivision of section 27, Township 19 North, Range 24 East, Gila and Salt River Meridian, Arizona, was accepted October 1, 1987, and was officially filed October 5, 1987.

This plat was prepared at the request of the Petrified Forest National Park.

A plat (in two sheets) representing a dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and the subdivision of section 24, and a meets-and-bounds survey of the Zuni Pilgrimage Route in Township 14 North, Range 26 East, Gila and Salt River Meridian, Arizona, was accepted October 27, 1987, and was officially filed October 29, 1987.

A plat representing a dependent resurvey of a portion of the south and east boundaries and a portion of the subdivisional lines, and a metes-and-bounds survey of the Zuni Pilgrimage Route (Koyemshi Trail) in Township 15 North, Range 26 East, Gila and Salt River Meridian, Arizona, was accepted October 27, 1987, and was officially filed October 29, 1987.

A plat (in three sheets) representing a dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and a portion of the subdivision of sections 4, 6, and 20, and a metes-and-bounds survey of the center line of the Zuni Pilgrimage Route in Township 14 North, Range 27 East, Gila and Salt River Meridian, Arizona, was accepted October 27, 1987, and was officially filed October 29, 1987.

A plat (in two sheets) representing a dependent resurvey of the south boundary, a portion of the east boundary, and a portion of the subdivisional lines, and a metes-and-bounds survey of the center line of the Zuni Pilgrimage Route in Township 15 North, Range 27 East, Gila and Salt River Meridian, Arizona, was accepted October 27, 1987, and was officially filed October 29, 1987.

A plat (in two sheets) representing a dependent resurvey of a portion of the south and east boundaries and a portion of the subdivisional lines, and a metes-and-bounds survey of the center line of the Zuni Pilgrimage Route in Township 15 North, Range 28 East, Gila and Salt River Meridian, Arizona, was accepted October 27, 1987, and was officially filed October 29, 1987.

These plats were prepared at the request of the U.S. Department of Justice.

A plat representing a dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, and a survey of subdivisions in sections 2 and 11, and a metes-and-bounds survey in Township 22 North, Range 17 West, Gila and Salt River Meridian, Arizona, was accepted November 3, 1987, and was officially filed November 5, 1987.

This plat was prepared at the request of the Bureau of Land Management, Phoenix District Office.

A supplemental plat showing the areas for lots 10 and 11, (inadvertently omitted from the plat accepted November 3, 1987) section 2, Township 22 North, Range 17 West, Gila and Salt River Meridian, Arizona, was accepted November 24, 1987, and was officially filed November 25, 1987.

This plat was prepared at the request of the Bureau of Land Management, Cadastral Survey Office.

2. These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

3. All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

Jerrold E. Knight,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 88-187 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-32-M

[NM-940-084520-1]

New Mexico; Filing of Plat of Survey

December 30, 1987.

The plat of surveys described below were officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on the dates shown.

A survey representing the dependent resurvey of certain small holding claim boundaries, and the survey of lots in section 31, Township 3 South, Range 1 East, New Mexico Principal Meridian, New Mexico, executed under Group 768, New Mexico, filed December 30, 1987.

This survey was requested by the District Manager, Socorro, New Mexico.

A survey representing the dependent resurvey of a portion of the east boundary of the Navajo Indian Reservation, a portion of the subdivisional lines, the subdivision of section 19 and the survey of lot 9, section 19, Township 29 North, Range 13 West, New Mexico Principal Meridian, New Mexico, executed under Group 839, New Mexico filed December 30, 1987.

This survey was requested by the District Manager, Albuquerque, New Mexico.

A survey representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, the subdivision of sections 3, 4, 9 and 10, Township 9 South, Range 25 East, New Mexico Principal Meridian, New Mexico, executed under group 861, New Mexico, filed December 30, 1987.

This survey was requested by the District Manager, Roswell District Office, Roswell, New Mexico.

A survey representing the dependent resurvey of a portion of the subdivisional lines and a portion of the subdivision of section lines, the subdivision of section 14, and the survey of lot 3, section 14, Township 11 South, Range 13 West, New Mexico Principal Meridian, New Mexico, executed under Group 863, New Mexico, filed December 30, 1987.

This survey was requested by the Regional Land Surveyor, Region 3, U.S. Forest Service.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504. Copies of the plats may be obtained from the office upon payment of $2.50 per sheet.

Kelley R. Williamson, Jr.,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 88-188 Filed 1-6-88; 8:45 am]

BILLING CODE 4310-FB-M

Minerals Management Service

Outer Continental Shelf Advisory Board, Mid-Atlantic Regional Technical Working Group; Meeting

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting of Mid-Atlantic Regional Technical Working Group.

SUMMARY: The Atlantic Outer Continental Shelf (OCS) Region has scheduled a meeting of its Mid-Atlantic Regional Technical Working Group (MARTWG). The MARTWG will provide input to the Regional Director, Atlantic OCS Region, on the scoping process and other topics relevant to proposed Oil and Gas Lease Sale 121 (Mid Atlantic) which is tentatively scheduled for October 1989.

DATE: February 5, 1988.

ADDRESSES: The meeting will begin at 9 a.m. at the following location:

Renaissance Ballroom,
Washington/Dulles Ramada Renaissance,
13869 Park Center Road (off Route 28),
Chantilly, Virginia 22021

The Atlantic OCS Region is at the following location:

Minerals Management Service,
Atlantic OCS Region,
1951Kidwell Drive, Suite 601,
Vienna, Virginia 22180

FOR FURTHER INFORMATION CONTACT: Marsha Polk, RTWG Coordinator, Atlantic OCS Region, at the Minerals Management Service (MMS) address above; telephone 703/285–2165, (FTS) 285–2165.

SUPPLEMENTARY INFORMATION: The MARTWG is part of the OCS Advisory Board and was established to advise the MMS Director on technical matters of Regional concern regarding offshore prelease and postlease activities in the Mid-Atlantic. MARTWG membership consists of representatives from Federal Agencies, the Coastal States of New York through North Carolina, the petroleum industry, and other private interests.

(Federal Advisory Committee Act (Public Law No. 92–463)

Dated: December 30, 1987.

Bruce G. Weetman,

Regional Director, Atlantic OCS Region.

[FR Doc. 88–189 Filed 1–6–88; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Mobil Exploration & Producing U.S. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Mobil Exploration & Producing U.S. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4767, Block 369, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on December 29, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Lousiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 31, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88–190 Filed 1–6–88; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized the guaranty of a loan for the Government of Botswana as part of A.I.D.'s development assistance program. The proceeds of this loan will be used to finance shelter projects for low income families in Botswana. The Government of Botswana has authorized A.I.D. to request proposals from eligible investors. The name and address of representative of the Borrower to be contacted by interested U.S. lenders or investment bankers, the amount of the loan and project number are indicated below:

Government of Botswana

Project: 633–HG–003(A)—$8,500,000,
Attention: Mr. B. Gaolathe, Permanent Secretary, Ministry of Finance and Development Planning, Private Bag 008, Gaborone, Botswana, Telex: 2401 FIN BD

Interested investors should telegram their bids to the Borrower's representative on January 13, 1988 but no later than 5:00 p.m. New York time. Bids should be open until 5:00 p.m. New York time on January 15, 1988. Copies of all bids should be simultaneously sent to the following addresses:

Mr. Fredrik A. Hansen, Assistant Director, East & Southern Africa, RHUDO/Nairobi, USAID/Nairobi, Box 241, APO New York, NY 09675, Telex: 22964 AMEMB, Telephone: 331–160

USAID/Botswana, Telephone: 353382 or 52401, Telex: 2336 BD

Michael G. Kitay, Herbert T. McDevitt, Agency for International Development, GC/PRE, Room 3208 N.S., Washington, DC 20523, Telex No.: 892703 AID WSA, Telefax No. 202/647–1805 (preferred communication)

Each proposal should consider the following terms:

(a) *Amount:* U.S. $8.5 million.

(b) *Term:* Up to 30 years.

(c) *Grace Period on Principal:* 10 years with repayment amortizing gradually over the remaining life of the loan.

(d) *Interest Rate:* Proposals will be made on the basis of fixed or variable rate with Borrowers option to convert to fixed rate.

(e) *Draw Down:* Net proceeds from borrowing should be disbursed to Borrower upon signing.

(f) *Prepayment:* Proposals should include the possibility of partial or total prepayment of the loan by Borrower, if pricing is not materially affected.

(g) *Fees:* Payable at closing from proceeds of loan.

Selection of investment bankers and/or lenders and the terms of the loan are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lender and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in agreements between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are: (a) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Peter M. Kimm, Director, Office of Housing and Urban Programs, Agency for International Development, Room 6212 N.S., Washington, DC 20523, Telephone: (202) 647–9082.

Dated: January 5, 1988.

Mario Pita,

Deputy Director, Office of Housing and Urban Programs.

[FR Doc. 88–345 Filed 1–6–88; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31189]

Mid-Michigan Railroad, Inc.; Acquisition and Operation Exemption; CSX Transportation, Inc.

Mid-Michigan Railroad, Inc. (MMR) has filed a notice to acquire by both purchase and lease and operate approximately 67.36 route miles of railroad of CSX Transportation, Inc. (CSX) located in Michigan. The lines consist of: (1) 31.95 miles of railroad extending from milepost 110.45 at Elmdale, MI, to milepost 78.50 at Greenville, MI, (2) 29.78 miles of railroad extending from milepost 10.09 at Paines, MI, to milepost 39.87 at Alma, MI, and (3) 5.63 miles of railroad extending from milepost 39.87 at Alma, MI, to milepost 45.50 at Elwell, MI. The agreement for the transfer of the lines between MMR and CSX was to be consummated approximately on or before December 19, 1987.

This transaction will also involve the issuance of securities by MMR, which will be a class III carrier. The issuance of these securities is an exempt transaction under 49 CFR 1175.1.

A transaction relating to the continuance in control of MMR by Railtex, Inc. is the subject of a notice of exemption filed concurrently in Finance Docket No. 31190, *Railtex, Inc.—Continuance in Control Exemption—Mid-Michigan Railroad, Inc.* Any comments must be filed with the Commission and served on Mark M. Levin, Esq., Weiner, McCaffrey, Brodsky & Kaplan, P.C., Suite 800, 1350 New York Avenue NW., Washington, DC 20005–4797, and David Hemphill, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 28, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–5 Filed 1–6–88; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31190]

Railtex, Inc.; Continuance in Control Exemption; Mid-Michigan Railroad, Inc.

Railtex, Inc. (Railtex) has filed a notice of exemption under 49 CFR 1180.4(g) regarding its continuance in control of the Mid-Michigan Railroad, Inc. (MMR) under the provisions of 49 CFR 1180.2(d)(2). At present, Railtex commonly controls the Virginia and North Carolina Railroad Company, Inc., the South Carolina Central Railroad Company, Inc., the North Carolina & Virginia Railroad Company, the Austin Railroad Company, Inc., and the San Diego & Imperial Valley Railroad Company. MMR, a wholly-owned non-carrier subsidiary of Railtex, has filed concurrently a notice of exemption in Finance Docket No. 31189, *Mid-Michigan Railroad, Inc.—Acquisition and Operation Exemption—CSX Transportation, Inc.* There, MMR seeks an exemption to acquire by purchase and lease and operate approximately 67.36 route miles of railroad located in Michigan. The lines will be acquired from CSX Transportation, Inc.

Railtex indicates that: (1) The railroads will not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. Therefore, this transaction involves the continance in control of a nonconnecting carrier, and is exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).[1]

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 28, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–6 Filed 1–6–88; 8:45 am]

BILLING CODE 7035–01–M

[1] The Railway Labor Executives' Association has filed a request for the imposition of labor protective conditions. Because this notice involves an exemption of a transaction that would otherwise be subject to 49 U.S.C. 11343. Such conditions have been imposed routinely.

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council; Meeting

ACTION: Notice of meeting.

The first quarterly meeting for the 1988 calendar year of the Coordinating Council on Juvenile Justice and Delinquency Prevention will be held on February 18, 1988, from 10:00 a.m. until 12:00 p.m. The meeting will take place at the Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530. The agenda will focus on matters related to drug abuse prevention and intervention programs for youth.

The public is welcome to attend; however, seating for this meeting is very limited and must be reserved in advance. All persons wishing to attend this meeting must contact Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531, (202) 724–7655 to request reserved seating. Requests will be received until space is filled or until 4:00 p.m. on February 1, 1988. Those persons wishing to attend will be notified of seating availability as soon as possible following the February 1st reservation deadline.

Date: January 4, 1988.

Verne L. Speirs,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 88–248 Filed 1–6–88; 8:45 am]

BILLING CODE 4410–18

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On October 22, 1987, the National Science Foundation published notice in the **Federal Register** of permit applications, received. A permit was issued to the following individual on December 9, 1987: John Bengtson.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 88–191 Filed 1–6–88; 8:45 am]

BILLING CODE 7555–01–M

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by January 22, 1988. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the **Federal Register** on July 24, 1987.

The applications received are as follows:

1. Applicant

David F. Parmelee, 349 Bell Museum, University of Minnesota, Minneapolis, Minnesota 55455

Activity for Which Permit Requested

Export from U.S.A. The applicant requests a permit to export bird specimens currently housed in the Bell Museum. Specimens are to be exported to the National Museum of Natural Science in Ottawa, Ontario, Canada for scientific study.

Dates

February—April 1988

2. Applicant

David F. Parmelee, 349 Bell Museum, University of Minnesota, Minneapolis, Minnesota 55455

Activity for Which Permit Requested

Export from USA. The applicant requests a permit to export a bird specimen from the Bell Museum. The specimen, a South Polar Skua, is to be exported to the Icelandic Museum of Natural History in Reykjavik, Iceland for scientific study.

Dates

February—April 1988.

Charles E. Myers,

Permit Office.

[FR Doc. 88–192 Filed 1–6–88; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluation specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 8.13, "Instruction Concerning Prenatal Radiation Exposure," describes the instructions an employer should provide to workers and supervisors concerning biological risks to the embryo/fetus exposed to radiation in relation to other risks encountered during pregnancy.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of

Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082, telephone (202) 275–2060 or (202) 275–2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 31st day of December 1987.

For the Nuclear Regulatory Commission.

Eric S. Beckjord,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 88–234 Filed 1–6–88; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 10.4, "Guide for the Preparation of Applications for Licenses To Process Source Material," provides guidance and assistance to applicants on preparing applications for licenses to process source material.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082, telephone (202) 275–2060 or (202) 275–2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfiled, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 31st day of December 1987.

For the Nuclear Regulatory Commission.

Eric S. Beckjord,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 88–235 Filed 1–6–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–8678]

Sequoyah Fuels Corp.; Final Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of final finding of no significant impact.

(1) Proposed Action

The proposed administrative action is to renew Source and Byproduct Material License SUA–1387 authorizing Sequoyah Fuels Corporation (SFC) to continue operation of their Q-Sand/O-Sand Research and Development In-Situ Leach Operation in Converse County, Wyoming.

(2) Reasons for Final Finding of No Significant Impact

An Environmental Assessment was prepared by the staff at the U.S. Nuclear Regulatory Commission, Uranium Recovery Field Office, Region IV. The Environmental Assessment performed by the Commission's staff evaluated potential impacts on-site and off-site due to radiological releases which may occur during the course of the operation. Documents used in preparing the assessment included operational data from the licensee's prior solution mining activities, the licensee's renewal application dated May 27, 1986 as supplemented by submittals dated June 15, 1987, September 17, 1987, and December 14, 1987; and the Environmental Impact Appraisals for the Q-Sand and the O-Sand prepared by the Commission staff and dated June, 1981, and July, 1984, respectively. Based on this assessment, the Commission has determined that no significant impact will result from the proposed action.

The public was informed of the availability of this document by way of a November 27, 1987, **Federal Register** publication. The subsequent 30-day comment period expired on December 27, 1987. Comments were received from the State of Wyoming. The State concurs with the NRC's finding of no significant impact.

In accordance with 10 CFR 51.33(e), the Director, Uranium Recovery Field Office, made the determination to issue a final finding of no significant impact in the **Federal Register.** Concurrent with this finding, the staff will renew Source and Byproduct Material License SUA–1387 authorizing operation of Sequoyah Fuels Corporation's Q–Sand/O-Sand R&D in-situ leach uranium recovery operation located in Converse County, Wyoming.

This finding, together with the Environmental Assessment setting forth the basis for the finding, is available for public inspection and copying at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

Dated at Denver, Colorado, this 29th day of December, 1987.

For the Nuclear Regulatory Commission.

Edward F. Hawkins,

Chief, Licensing Branch 1, Uranium Recovery Field Office, Region IV.

[FR Doc. 88–236 Filed 1–6–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., Ohio Edison Co. and Pennsylvania Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–66, issued to Dequesne Light Company, et al. (the licensees), for operation of the Beaver Valley Power Station Unit 1 located in Shippingport, Beaver County, Pennsylvania.

The proposed amendment would revise the provisions in the Technical Specifications relating to engineered safety feature response times to include

the time required for the sequential operation of the volume control tank and refueling water storage tank.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 8, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to be petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, and to Gerald Charnoff, Esq., J.E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will be not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 12, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Local Public Document Room, B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland, this 29th day of December 1987.

For The Nuclear Regulatory Commission.

Peter S. Tam,

Project Manager, Project Directorate I–4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–238 Filed 1–6–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–416]

Mississippi Power & Light Co., System Energy Resources, Inc., and South Mississippi Electric Power Association; Grand Gulf Nuclear Station, Unit 1

Exemption

I.

Mississippi Power & Light Company, System Energy Resources, Inc., and South Mississippi Electric Power Association (the licensee) are the holders of Facility Operating License No. NPF–29, issued November 1, 1984, which authorized operation of the Grand Gulf Nuclear Station, Unit 1 (the facility). This license provides, among other things, that the licensees are subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission). The facility is a boiling water reactor located in Claiborne Country, Mississippi.

II.

The Commission's rules at 10 CFR 50.55a(c)(1) state that components which are a part of the reactor coolant pressure boundary (RCPB) must meet the requirements for Class 1 components in Section III of the ASME Boiler and Pressure Vessel Code (ASME Code). As defined in 10 CFR 50.2, and General Design Criterion 55, the RCPB for piping connected to the reactor coolant system, such as the reactor water cleanup (RWCU) system, must extend to and include the outboard containment isolation valve. The ASME Code, Class 1, piping of a branch line in the as-built RWCU system, however, terminates at the inboard isolation valve (F252) located inside the drywell. For the BWR Mark III containment, the drywell is considered to be the primary reactor containment for the purpose of isolating the reactor coolant system. This as-built condition also conflicts with the Updated Final Safety Analysis Report (UFSAR), Table 3.2–1, which indicates

that ASME Code, Class 1, piping entends to the outer-most isolating valve (F253). GDC 55 indicates that the outer-most isolation valve should be located outside the containment. Although 10 CFR 50.55a(c)(2) states that RCPB piping is not required to meet ASME Code, Class 1, requirements provided certain conditions are met, the licensee chose not to provide the supporting analysis to attempt to justify these conditions, and instead, by letter dated November 25, 1987, requested an Exemption to 10 CFR 50.55a(c)(1) for the section of RWCU piping from valve F252 up to and including valve F253.

The licensee's design review of the RWCU system also disclosed that the inboard containment isolation valve (F252) for this branch line had the same power supply as the outboard containment isolation valve, which does not meet the UFSAR and single failure criterion for containment isolation. By a separate letter dated November 25, 1987, the licensee has requested an amendment to the license to change the Technical Specifications to reflect modifications to the power supplies of valves F252 and F253 to be made during the second refueling outage. This outage began November 6, 1987, and is scheduled to end January 1, 1988. This license amendment request is being addressed separately.

III.

The exemption request under consideration involves an exemption from the ASME Code, Class 1, requirements of 10 CFR 50.55a(c)(1) for the section of RWCU piping between value F252 and valve F253. This section of pipling is now clasified as ASME Code, Class 2.

By its letter dated November 25, 1987, the licensee provided information relevant to the "special circumstances" finding required by 10 CFR 50.12(a). The licensee stated that paragraphs 50.12(a)(2)(ii) and 50.12(a)(2)(iii) are applicable to its requested exemption. The licensee stated that application of the regulation is not necessary to achieve the underlying purpose of the rule because proposed alternative augmented inservice inspection and stress analysis will result in requirements that are essentially equivalent to ASME Code, Class 1, requirements. By letter dated December 23, 1987, the licensee provided results of its stress analysis and concluded that the subject section of piping meets the criteria for Class 1 piping in Section III of the ASME Code. The above alternative measures proposed by the licensee would not result in the system piping being re-stamped as ASME Code, Class 1, since the subject piping was not procured to ASME Code, Class 1, requirements. The chemical and physical properties of the ASME Code, Class 2, piping between valves F252 and F253, however, meet the requirements for ASME Code, Class 1, piping; and the outboard isolation valve F253 is an ASME Code, Class 1, component. Further, all welds were performed by ASME Code, Seciton IX, qualified welders with welding rods that met ASME Code, Class 1, requirements. The licensee also stated that compliance with the rule would result in undue hardships. For achieving full ASME Code, Class 1, compliance, the licensee stated that a significant hardship would be incurred in terms of delay to plant restart and system modification costs. This hardship would involve the physical replacement of the existing piping between valves F252 and F253 with piping procured to ASME Code, Class 1, requirements.

The staff agrees with the licensee's determination that special circumstances as described in paragraph 50.12(a)(2)(ii) exist for the requested exemption in that application of the regulation is not necessary to achieve the underlying purpose of 10 CFR 50.55a(c)(1). The purpose of the requirement for all portions of the RCPB to be ASME Code, Class 1, are to assure that this vital system is designed and inspected to the most rigorous standards to assure a very high degree of integrity of RCPB piping. In the present case, the very small portion of one of the ancillary systems that is part of the RCPB has been designed and inspected to ASME Code, Class 2, requirements. ASME Code, Class 2, systems are also very high quality systems. The basic difference between Class 1 and Class 2 designs is that Class 1 designs require a fatigue analysis. The basic difference between Class 1 and Class 2 inservice inspections (ISI) is that Class 1 ISI requires a more rigorous inspection of pipe supports, inspection of a greater portion of pipe welds and more frequent hydrostatic tests. In the present case, the licensee has performed an ASME Code, Class 1, piping stress analysis and concluded that stresses within this piping satisfy Class 1 piping stress criteria. The licensee has agreed to include this portion of the piping in the licensee's Class 1 ISI program, before the third refueling outage, to provide a more rigorous inspection of principal features of this system. Although these compensating inspection features will not be carried out for a few years, they will be adequate to detect defects in this portion of the system should they occur. Accordingly, with these compensating features, this portion of the piping system will be assured of a very high degree of integrity thus satisfying the underlying purpose of the rule.

The staff has evaluated information provided by the licensee to justify the exemption. As an alternative to the requirement for ASME Code, Class 1, RWCU system piping between valves F252 and F253, the licensee proposed the following in its exemption request:

A. Augmenting the ASME Code, Section XI, Inservice Inspection (ISI) program by including the RWCU system piping through valve F253 in the Class 1 portion of the ASME Section XI ISI program, specifically by:

(1) Adding supports for this section of RWCU system piping to the Class 1 support inspection,

(2) Adding welds to the Class 1 program for volumetric and surface examination,

(3) Including the system pressure boundary through valve F253 in the Class 1 hydrostatic test boundary, and

B. Performing an ASME Code, Section III, Class 1 stress analysis for piping through valve F253.

The licensee is required to have documentation prior to the third refueling outage to support its November 25, 1987, commitments regarding an augmented inservice inspection. This is a reasonable length of time to complete this documentation because inservice inspection of these components would only be performed during a refueling outage. With regard to the ASME Code, Class 1, stress analysis, by letter dated December 23, 1987, the licensee provided the results of the stress analysis and concluded that the section of piping through valve F253 meets ASME Code, Section III, Class 1, allowable stress values.

The staff concludes that the licensee's proposed, augmented inservice inspection and ASME Code, Class 1, stress analysis are an acceptable alternative to full Class 1 compliance for the section of RWCU piping between valves F252 and F253, considering the burden that would result if the full ASME Code, Section III, Class 1, requirements were imposed. Accordingly, the staff finds an exemption from the requirements of paragraph 50.55a(c)(1) for this section of RWCU piping is proper.

V.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not result in undue risk to the public health and safety and is

consistent with the common defense and security. The Commission further determined that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption, namely that application of the regulation in the particular circumstances is not necessary to serve the underlying purpose of the rule—to ensure integrity of the reactor coolant pressure boundary. Reactor coolant pressure boundary integrity is ensured by an analysis which demonstrated conformance to Section III of the ASME Code, Class 1, stress criteria and by inservice inspections meeting the requirements of Section XI of the ASME Code, Class 1, inservice requirements.

The Commission hereby grants an exemption from the requirements of 10 CFR 50.55a(c)(1) for the section of RWCU system piping between valves F252 and F253 at the Grant Gulf Nuclear Station, Unit 1, provided that prior to the third refueling outage, Systems Energy Resources, Inc., incorporates the inservice inspection for this section of piping into the Class 1 portion of the GGNS, Unit 1, Inservice Inspection Program.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will have no significant effect on the environment (52 FR 49217).

This exemption is effective as of its date of issuance.

Dated at Bethesda, Maryland, this 30th day of December 1987.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Acting Director, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-237 Filed 1-6-88; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) Collection Title: Vocational Report.

(2) Form(s) Submitted: G-251.

(3) Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) Frequency of Use: On occasion.

(5) Respondents: Individuals or households.

(6) Annual Responses: 7,850.

(7) Annual Reporting Hours: 3,990.

(8) Collection Description: Section 2 of the Railroad Retirement Act provides for payment of disability annuities to qualified employees and widow(er)s. The collection obtains the information needed to determine ability to work.

Additional information or comments: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Elaina Norden (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC. 20503.

Pauline Lohens,

Director of Information Resources Management.

[FR Doc. 88-204 Filed 1-6-88; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25005; File No. SR-NASD-87-26]

Self-Regulatory Organizations; National Association of Securities, Dealers, Inc.; Order Approving Proposed Rule Change

On June 24, 1987, the National Association of Securities Dealers, Inc. ("NASD") submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend section (c)(1)(B) of the Rules of Practice and Procedures governing the NASD's Small Order Execution System ("SOES"). The purpose of the amendment is to clarify that no NASDAQ market shall execute agency orders through SOES unless the NASDAQ marker maker is also a registered SOES market maker in that security.[1]

[1] The NASD submitted a technical amendment (Amendment No. 1) to the proposed rule change dated August 11, 1987.

Notice of the proposed rule change, together with the terms of substance of the proposed change was given by the issuance of a Commission release (Securities Exchange Act Release No. 24854, August 27, 1987) and by publication in the **Federal Register** (52 FR 33487, September 3, 1987). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned rule change be and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Assistant Secretary.

Dated: October 8, 1987.

[FR Doc. 88-243 Filed 1-6-88; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Information Collection Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100

Lupton Building, Chattanooga, TN 37401; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: TVA Energy Saver Home Inspection Sheet.

Frequency of Use: On occasion.

Type of Affected Public: Businesses or other for-profit, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 5,000.

Estimated Total Annual Burden Hours: 2,200.

Need For and Use of Information: This information collection is an integral part of the TVA Energy Saver Home Program which promotes energy-efficiency standards for new homes and provides for builders to certify those new homes which meet the standards.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 88–194 Filed 1–6–88; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92–463, that a meeting will be held at the U.S. Treasury Department in Washington, DC on January 26 and 27, 1988 of the following debt management advisory committee:

Public Securities Association, U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on January 26 and the preparation of a written report to the Secretary of the Treasury on January 27, 1988.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–05, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c) (4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: December 30, 1987.

Charles O. Sethness,

Assistant Secretary (Domestic Finance).

[FR Doc. 88–201 Filed 1–6–88; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series No. 35–87]

Treasury Notes; Series AG–1989

Washington, December 23, 1987.

The Secretary announced on December 22, 1987, that the interest rate on the notes designated Series AG–1989, described in Department Circular—Public Debt Series—No. 35–87 dated December 17, 1987, will be 7⅞ percent. Interest on the notes will be payable at the rate of 7⅞ percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 88–230 Filed 1–6–88; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt Series No. 36–87]

Treasury Notes; Series Q–1991

Washington, December 24, 1987.

The Secretary announced on December 23, 1987, that the interest rate on the notes designated Series Q–1991, described in Department Circular—Public Debt Series—No. 36–87 dated December 17, 1987, will be 8¼ percent. Interest on the notes will be payable at the rate of 8¼ percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 88–231 Filed 1–6–88; 8:45 am]

BILLING CODE 4810-40-M

Customs Service

Detection of Counterfeit PRC Textile Visas

AGENCY: Customs Service, Treasury.

ACTION: Notice of means to detect counterfeit textile visas from People's Republic of China.

SUMMARY: Any shipment of merchandise found to be covered by a counterfeit visa is considered introduced into the U.S. contrary to law and is subject to seizure by Customs. In 1987, Customs detected almost 200 counterfeit People's Republic of China (PRC) visas. Seizures of nearly $20 million in merchandise resulted, creating a enforcement and administrative burden on Customs. In order to educate the importing public about the considerable amount of fraudulent activity involving the importation of PRC merchandise and to put importers on the alert for illegal importations of PRC merchandise, Customs is notifying the public in this document of the characteristics of counterfeit PRC visas.

EFFECTIVE DATE: January 7, 1988.

FOR FURTHER INFORMATION CONTACT: John F. Esau, Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229, (202–566–6188).

SUPPLEMENTARY INFORMATION: Customs has the authority pursuant to 19 U.S.C. 1595a(c), to seize any shipment of merchandise that is determined to be

contrary to law. Importations of textiles covered under a counterfeit visa from the People's Republic of China (PRC) are contrary to the textile agreement between the PRC and the U.S. entered into in accordance with 7 U.S.C. 1854.

A serious situation has developed with regard to the importation of textile products from the PRC. In 1987, Customs detected almost 200 counterfeit visas (textile export license(s)/commercial invoice(s). Seizures of nearly $20 million in merchandise resulted.

The considerable amount of fraudulent activity involving the importation of PRC merchandise has created an enforcement and administrative burden on Customs. Customs anticipates that when the calendar year quotas reopen in January 1988, the ensuing volume of Chinese imports will include a significant number accompanied by counterfeit visas.

Customs wishes to alert the importing public of this problem. Because merchandise covered by a counterfeit visa is subject to seizure, the importing public should be aware of how to recognize a counterfeit visa. Accordingly, Customs is setting forth in this document the characteristics of genuine and counterfeit PRC visas.

Detection of Counterfeit Visas

The genuine visa is printed in two colors. There is background in either blue or green of wavy *continuous* lines. Over this, there is imprinted in black, an assortment of letters, lines, and Chinese characters. Finally, the serial number is stamped in its appropriate box. The calendar-year prefix is typed in later.

Counterfeit visas are frequently distinguished by the following characteristics:

Detail Loss

In photo-offsetting, some detail loss is inevitable. This phenomenon results in lost apostrophes, lost dots on "i's", and other details in the black printed portion of the visa. In addition, it results in breaks in the continuous "brush strokes" in the delicate Chinese characters. This loss of detail also affects the colored background when it is photo-offset. In some of the poorer counterfeits, this loss of detail causes the entire pattern to "look different."

Specific Problem Areas: (One or more areas can be present)

—Background is very faint and color is uneven. Color and detail are best at bottom but washed out in the center of the document.

—There are light spots in the background pattern in several places, most notably in block nos. 10 and 12.

—Block 14 "issuing authorities' stamp and signature" is missing the plural possessive apostrophe and "i's" are *not* dotted.

—In block 14, there is a dot immediately preceding the "I" in 'Issuing", slightly above the center of the "I". This dot is a consistent idiosyncrasy for authentic GREEN PRC visas. However, it has not been observed on any legitimate BLUE visas or specimens. We believe that this counterfeiter has photo offset the black detail from a green visa and is using the plate to fabricate blue visas.

If a specimen or known authentic vias is available, the following indicators can be used:

—Background color too gray.

—Background color too gray and has a flatter appearance than the background of an authentic visa.

—Length of colored background is approximately ⅛-inch shorter than specimen.

Relationship Between Colored Background Line and Blank "Boxes"

The authentic documents exhibit a precise relationship between the wavy background lines and the overprinted black lines. *Some* of the counterfeits can be discerned due to changes in these relationships, i.e., background lines ascending instead of descending, as they cross certain black lines. This has apparently been caused by two factors:

1. Some of the counterfeiters have cut-up pieces of background, then photo-offset it, thereby rearranging the relationships.

2. At least one counterfeiter has obtained his own background plate which is not identical to the authentic plate.

Specific Problem Areas: (One or more areas can be present)

—While viewing the vertical line between blocks 13 and 14, the wavy lines ascend from left to right as they cross the black line. In the authentic specimen and genuine visas examined to date these background lines descend from left to right as they cross the vertical black line.

—The background pattern should peak at the point where the line dividing block 13 and 14 meets the horizontal line above the boxes: instead, it dips.

Discontinuances in the Background Pattern

Because some counterfeiters have reassembled background plates from "pieces" of background, some counterfeits have horizontal lines in their backgrounds and/or sudden changes in pattern.

Specific Problem Areas: (One or more areas can be present)

—Background color uneven.

—Background pattern is discontinuous with horizontal lines 2⅜ inches from bottom of pattern (in box 13), 4⅝ inches from bottom of pattern (in box 9) and 8½ inches from bottom of pattern (in box 6).

—In block 9, ¾ inches from the left border of the background and 4 ½ inches from the bottom border of the background, there is an oval "o" in the background contained within a small area of interrupted background lines.

—Background has horizontal breaks in the pattern 3 ⅛ inches from the bottom of background area and 7 $^{7}/_{16}$ inches from bottom of background area.

—There are pattern breaks 2 ¾ inches from the bottom of the background area and 7 inches from the bottom of the background area. However, these pattern breaks are very difficult to discern due to the poor detail of the pattern.

—The only readily apparent flaw in the background pattern is a small circle in the upper right-hand corner of block 1.

Serial Numbers

The genuine visas have serial numbers pressed into the paper and this can be detected by lightly touching the back of the form. So far, most counterfeits examined by Customs have *not* had serial numbers pressed in to the document.

Specific Problem Areas: (One of more areas can be present)

—Serial numbers not impressed as in legitimate visas-cannot be felt with fingertips from back of visa.

—Serial numbers are not stylized as in specimen—tops of 7's and 5's and bottoms of 2's are straight rather than curved as in legitimate visas.

—Serial numbers are not impressed and cannot be felt from back of visa; however, numrals are in similar style to specimen.

—The first few numerals of the serial number can be felt very faintly from the back of the visa.

Acting Commissioner of Customs.

Michael H. Lane,

Approved: December 29, 1987.

Acting Assistant Secretary of the Treasury.

John P. Simpson,

[FR Doc. 88-266 Filed 1-6-88; 8:45 am]

BILLING CODE 9107-09-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 4
Thursday, January 7, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, January 12, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, January 14, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Draft Advisory Opinion 1987-32—Jack Polster.
Draft Revisions to the Affiliation and Earmarking Regulations (11 CFR 110.3-110.6).
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 88-312 Filed 1-5-88; 3:47 pm]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, Januray 13, 1988.

PLACE. Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: January 5, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-333 Filed 1-5-88 3:57 pm]

BILLING CODE 6210-01-M

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10:00 a.m., Thursday, January 14, 1988.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC.

STATUS: Closed.

MATTER TO BE CONSIDERED: The adjudication of cases dealing with jurisdictional questions or the timeliness of the petitions for review or petitions for appeal.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Date: January 4, 1988.

Shannon McCarthy,

Deputy Clerk of the Board.

[FR Doc. 88-301 Filed 1-5-88; 3:47 pm]

BILLING CODE 7400-01-M

Corrections

Federal Register
Vol. 53, No. 4
Thursday, January 7, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-502]

Certain Welded Carbon Steel Pipe and Tube Products From Turkey; Preliminary Results of Countervailing Duty Administrative Review

Correction

In notice document 87-28778 beginning on page 47621 in the issue of Tuesday, December 15, 1987, make the following correction:

On page 47621, in the second column, in the third paragraph, in the fifth line, "6" should read "16".

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0545]

Truth in Lending; Variable-Rate Disclosure Under Regulation Z

Correction

In rule document 87-29555 beginning on page 48665 in the issue of Thursday, December 24, 1987, make the following corrections:

§ 226.19 [Corrected]

1. On page 48671, in the second column, in § 226.19(b)(2)(viii), in the sixth line from the top of the column, "interest rate payment" should read "interest rate and payment".

Appendix H--[Amended]

2. On page 48673, in the first column, in the second line, "Term...80 years" should read "Term...30 years."

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Regulation Z; Docket No. R-0625]

Truth in Lending; Home Equity Disclosures Under Regulation Z

Correction

In proposed rule document 87-29556 beginning on page 48702 in the issue of Thursday, December 24, 1987, make the following corrections:

1. On page 48705, in the second column, in item (6)(i), in the 17th line, "of method" should read "or method".

2. In the same paragraph, in the 22nd line, remove the words "footnote 36. The proposed" and insert "§ 226.6(e) for home equity".

§ 226.6 [Corrected]

3. On page 48706, in the first column, in § 226.6(e)(4) introductory text, in the last line, remove the period and insert ", including:".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 233

Alien Legalization; Application, Determination of Eligibility and Furnishing Assistance—Public Assistance Programs, Coverage and Conditions of Eligibility in Financial Assistance Programs Alien Legalization

Correction

In rule document 87-29536 beginning on page 48687 in the issue of Thursday, December 24, 1987, make the following correction:

On page 48689, in the second column, in amendatory instruction 2, in the fourth line, "(q)(3)(vi)(B)" should read "(a)(3)(vi)(B)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N-0366]

Provisionally and Permanently Listed Uses of FD&C Red No. 3 and its Lakes; Postponement of Final Date for Submission of Data for Specific Uses; Request for Use Data in Pet and Animal Food

Correction

In notice document 87-29032 beginning on page 48326 in the issue of Monday, December 21, 1987, make the following correction:

On page 48327, in the second column, in the first complete paragraph, in the 10th line, "FDA" should read "FD&C".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 24

[FHWA Docket No. 87-22]

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs

Correction

In rule document 87-28855 beginning on page 47994 in the issue of Thursday, December 17, 1987, make the following correction:

On page 47995, at the top of the first column, a heading should be inserted and the first sentence of the paragraph should read as follows:

Explanation of Changes in Interim Final Rule

The changes contained in the interim final rule are primarily dictated by changes in the statutory payment limits made by the 1987 Amendments.***

BILLING CODE 1505-01-D

Federal Register

Thursday
January 7, 1988

Part II

Environmental Protection Agency

40 CFR Part 86

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Certification and Test Procedures; Gasoline Lead Content; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-3279-3]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Certification and Test Procedures; Gasoline Lead Content

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's notice announces EPA's decision on the use of unleaded gasoline in emissions testing and service accumulation. Effective with the 1990 model year, emissions testing for Certification, Selective Enforcement Audit and Recall and service accumulation for Certification of gasoline-fueled light-duty vehicles, gasoline-fueled light-duty trucks, motorcycles and heavy-duty gasoline engines shall be performed using unleaded gasoline only.

DATE: These regulations take effect February 8, 1988.

Note.—Under section 307(b)(1) of the Clean Air Act, EPA hereby finds that these regulations are of national applicability. Accordingly, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

ADDRESSES: Material relevant to this final rule is contained in Public Docket No. A–85–28. The docket is located at the U.S. EPA Central Docket Section, in the Room 4 South Conference Center, 401 M Street SW, Washington, DC 20460; phone (202) 382–7548. The docket may be inspected between 8:00 a.m. and 3:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Mr. F. Peter Hutchins, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668–4340.

SUPPLEMENTARY INFORMATION:

I. Public Participation

On July 7, 1986 (51 FR 24614) EPA published a Notice of Proposed Rulemaking (NPRM) in which it was proposed that all emission testing and service accumulation of new gasoline fueled light-duty vehicles, gasoline fueled light-duty trucks, motorcycles and heavy-duty gasoline engines be performed using unleaded gasoline only. The effective date of the proposed prohibition against the use of leaded gasoline in emission testing of new vehicles and engines was the 1988 model year. (In fact, the only vehicles that are currently certified using leaded gasoline as a test fuel are certain heavy-duty vehicles and some motorcycles.)

In response to the NPRM, EPA received comments from seven interested parties. Three of the commenters (Department of Environmental Protection, City of New York; Ford Motor Company; and General Motors Corporation) provided comments on the proposed ban on the use of leaded gasoline in emissions testing. None of these commenters provided any comments opposing the exclusive use of unleaded gasoline for emissions testing and service accumulation. In fact, each of these commenters supported the proposed elimination of leaded gasoline as a test and service accumulation fuel for new motor vehicles and engines. None of the other commenters provided comments on the elimination of leaded gasoline as a test fuel. Since there was no disagreement in the comments with the proposed ban on the use of leaded gasoline as a test and service accumulation fuel for new motor vehicles and engines, EPA is today prohibiting the use of leaded gasoline in emission tests and service accumulation on new motor vehicles and engines.

Section 80.24 of 40 CFR Part 80 requires the installation of fillneck restrictors and labels when unleaded gasoline is used in certification testing. None of the commenters raised leadtime for the installation of the required fillneck restrictors and labels as an issue. However, two of the commenters (General Motors and Ford) have subsequently advised EPA that the installation of this equipment on their heavy-duty vehicles was not planned for and is not possible in time for the proposed 1988 model year. Evaluation of the time required to perform the design tasks, safety and performance testing, and procurement of necessary manufacturing equipment for fillneck restrictors has persuaded EPA that between 18 and 20 months of leadtime would be required. Based upon this, the earliest effective date of the rule would be the 1990 model year. The effective date of this rule will, therefore, be the 1990 model year rather than the 1988 model year as proposed.

Comments on three other topics were provided in response to the NPRM. These topics were: (1) An error in the cetane specification of Type 2–D grade diesel fuel for use in exhaust emission testing; (2) requests for clarification on the acceptability of carrying over data collected prior to the proposed ban on the use of leaded gasoline for heavy-duty gasoline engines and; (3) a recommendation that Selective Enforcement Audit test programs and in-use compliance test programs be performed using fuel which meets the same fuel specifications as that used for certification employing carryover data.

Comments on the cetane specification of Type 2–D grade diesel fuel used in exhaust emission testing were provided by Cummins Engine Company, Inc.; Caterpillar Inc.; Ford Motor Company; General Motors Corporation and U.S. Technical Research Company (representing Peugeot). These comments resulted from an inadvertent typographical error in the proposed regulatory language which incorrectly indicated a cetane specification of 40–45 instead of the existing value (42–50). The commenters opposed that they thought was a proposed change in the cetane value. However, EPA had no intention of proposing a change in the cetane specification for any grade of diesel fuel. There was, therefore, as noted in the comments, no mention of such a change in the preamble. In the final rules published today the correct values, *i.e.*, 42–50, for the cetane specification of Type 2–D grade diesel fuel for use in exhaust emissions tests are restored.

With respect to the request by Ford Motor Company and General Motors Corporation for clarification on EPA's intent in the proposal regarding the use of carryover data involving leaded gasoline, it was and is EPA's intent that all *new* data required for certification will be collected using unleaded gasoline. While it appears highly improbable that data carryover would be possible beyond the 1989 model year, (since new, more stringent standards for heavy-duty engines will begin in that year) EPA wishes to avoid any unnecessary retesting solely because of the change in test fuel. Since EPA anticipates that there would be no significant upward impact on emissions due to the use of unleaded gasoline in certification (a very small downward, but probably not significant, impact on the deterioration factor can reasonably be expected), manufacturers may choose to use otherwise applicable carryover data previously collected on an existing engine design using leaded gasoline. The carryover data would be, however, only a substitute for data collected on test engines or vehicles using unleaded gasoline and complying

with the maintenance regulations applicable to unleaded gasoline. Therefore, the maintenance regulations appropriate to the use of unleaded gasoline shall apply to production vehicles and the requirements (fuel tank fill neck restrictors and labels) for the use of unleaded gasoline in production vehicles will be applicable, even if carryover data is used for certification.

The third topic raised in the comments was the recommendation by Ford Motor Company that Selective Enforcement Audit (SEA) and in-use compliance testing programs on heavy-duty gasoline engines certified with carryover data be performed using leaded gasoline which conforms to the specification previously employed for certification. As indicated previously, the different test fuels are not anticipated to cause any significant emission impact, and the use of carryover data is being allowed only as a substitute in certification for data collected using unleaded gasoline. Furthermore, in-use vehicles and engines will be operated on unleaded gasoline. Therefore, EPA does not believe that there is a valid basis for adopting this recommendation. All SEA and in-use compliance testing of 1990 and later model year vehicles and engines will be performed using unleaded gasoline whether or not the vehicles or engines were certified using carryover data based on leaded gasoline results.

[1] The rule is structured so that there will be no new testing costs. Some small costs will be incurred for labeling and the use of fuel tank filler neck restrictors plus incremental cost differences between unleaded and leaded commercial gasoline for those operators not already using unleaded fuel. These costs will be partially offset by savings in maintenance due to the use of unleaded gasoline.

Finally, one commenter, Intereurope Regulations Limited, brought to EPA's attention the existence of a typographical error (a negative sign is omitted in an equation) in an existing section of the regulations (86.118–78(c)). This typographical error is corrected today.

II. Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not result in significantly increased costs or prices for consumers, industries or others [1]; and will not have adverse effects on competition, employment, investment or productivity. Thus, no Regulatory Impact Analysis has been prepared.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments by OMB and EPA's response to such comments will be placed in the public docket for this rulemaking.

III. Statutory Authority

EPA's authority to determine the specifications of gasoline used in emissions test procedures is provided in the Clean Air Act. Section 206(a)(1) of the Act confers broad authority on the Administrator to "test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under Section 202 of this Act."

IV. Reporting and Recordkeeping Requirements

The information collection requirements contained in the rules which this action amends have been approved by OMB and assigned OMB Control Number 2060–0104. The amendments contained in this final rule have no impact on the reporting or recordkeeping burden.

V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The amendments of this rulemaking will not significantly increase the burden or cost of compliance for the industry or any other group. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Gasoline, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: December 24, 1987.

Lee M. Thomas,

Administrator.

APPENDIX—TABLE OF SPECIFIC CHANGES

Section	Change	Reason
1. Part 86 Authority	None	
2. 86.090-25	Add § 86.090-25	Align maintenance provisions with test fuel provisions.
3. 86.118-78(c)	Addition of a minus sign	Typographical error.
4. 86.113-90	Add § 86.113-90	Specify that unleaded gasoline be the only gasoline used in all test vehicles and test engines.
5. 86.513-90	Add § 86.513-90	Same as 4 above.
6. 86.1213-90	Add § 86.1213-90	Same as 4.
7. 86.1313-90	Add § 86.1313-90	Same as 4.
8. 86.1513-90	Add § 86.1513-90	Same as 4.

For the reasons set forth in the preamble, 40 CFR Part 86 is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation of Part 86 continues to read as follows:

Authority: 42 U.S.C. 7521, 7522, 7525, 7541, 7542 and 7601.

2. A new § 86.090–25 is added to Subpart A, to read as follows:

§ 86.090–25 Maintenance.

(a) *Applicability.* This section applies to light-duty vehicles, light-duty trucks, and heavy-duty engines.

(1) Maintenance performed on vehicles, engines, subsystems, or components used to determine exhaust or evaporative emission deterioration factors is classified as either emission-related or non-emission-related and each of these can be classified as either scheduled or unscheduled. Further, some emission-related maintenance is also classified as critical emission-related maintenace.

(b) This section specifies emission-related scheduled maintenance for purposes of obtaining durability data and for inclusion in maintenance instructions furnished to purchasers of new motor vehicles and new motor vehicles engines under § 86.087–38.

(1) All emission-related scheduled maintenance for purposes of obtaining durability data must occur at the same mileage intervals (or equivalent intervals if engines, subsystems, or components are used) that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle or engine under § 86.088–35. This maintenance schedule may be updated as necessary throughout the testing of the vehicle/engine provided that no maintenance operation is deleted from the maintenance schedule after the operation has been performed on the test vehicle or engine.

(2) Any emission-related maintenance which is performed on vehicles, engines, subsystems, or components must be technologically necessary to assure in-use compliance with the emission standards. The manufacturer must submit data which demonstrate to the Administrator that all of the emission-related scheduled maintenance which is to be performed is technologically necessary. Scheduled maintenance must be approved by the Administrator prior to being performed or being included in the maintenance instructions provided to purchasers under § 86.087–38. As provided below, EPA has determined that emission-related maintenance at shorter intervals than that outlined in paragraphs (b)(3) and (b)(4) of this section is not technologically necessary to ensure in-use compliance. However, the Administrator may determine that maintenance even more restrictive (*e.g.*, longer intervals) than that listed in paragraphs (b)(3) and (b)(4) of this section is also not technologically necessary.

(3) For gasoline-fueled light-duty vehicles, light-duty trucks and heavy-duty engines, emission-related maintenance in addition to, or at shorter intervals than, the following will not be accepted as technologically necessary, except as provided in paragraph (b)(7) of this section.

(i)(A) The cleaning or replacement of light-duty vehicle or light-duty truck spark plugs at 30,000 miles of use and at 30,000-mile intervals thereafter.

(B) The cleaning or replacement of gasoline-fueled heavy-duty engine spark plugs at 25,000 miles (or 750 hours) or use and at 25,000-mile intervals (or 750-hour) intervals thereafter.

(ii) For light-duty vehicles, the adjustment, cleaning, repair, or replacement of the following may not be performed within the 50,000-mile useful life of the vehicle:

(A) Positive crankcase ventilation valve.

(B) Emission-related hoses and tubes.

(C) Ignition wires.

(D) Carburetors (including idle mixture).

(E) Catalytic converter.

(F) Exhaust gas recirculation system (including all related filters and control valves).

(G) Air injection system components.

(H) Fuel injectors.

(I) Electronic engine control unit and its associated sensors (including oxygen sensor) and actuators.

(J) Evaporative emission cansister.

(K) Turbochargers.

(iii) For light-duty trucks and heavy-duty engines, the adjustment, cleaning, repair, or replacement of the following at 50,000 miles (or 1,500 hours) of use and at 50,000-mile (or 1,500-hour) intervals thereafter:

(A) Positive crankcase ventilation valve.

(B) Emission-related hoses and tubes.

(C) Ignition wires.

(D) Idle mixture.

(iv) For light-duty trucks and heavy-duty engines, the adjustment, cleaning, repair, or replacement of the following at 80,000 miles (or 2,400 hours) of use and at 80,000-mile (or 2,400-hour) intervals thereafter:

(A) Oxygen sensor.

(v) For light-duty trucks and heavy-duty engines, the adjustment, cleaning, repair, or replacement of the following at 100,000 miles (or 3,000 hours) of use and at 100,000-mile (or 3,000-hour) intervals thereafter:

(A) Catalytic converter.

(B) Air injection system components.

(C) Fuel injectors.

(D) Electronic enginer control unit and its associated sensors (except oxygen sensor) and actuators.

(E) Evaporative emission canister.

(F) Turbochargers.

(G) Carburetor(s).

(vi) (A) For light-duty trucks, and for heavy-duty engines the adjustment, cleaning, repair, or replacement the EGR system (including all related filters and control valves) at 50,000 miles (or 1,500 hours) or use and at 50,000-mile (or 1,500-hour) intervals thereafter.

(4) For diesel powered light-duty vehicles, light-duty trucks, and heavy-duty engines, emission-related maintenance in addition to, or at shorter intervals than, the following will not be accepted as technologically necessary, except as provided in paragraph (b)(7) of this section.

(i) For light-duty vehicles, the adjustment, cleaning, repair, or replacement of the following may not be performed within the 50,000-mile useful life of the vehicle:

(A) Exhaust gas recirculation system (including all related filters and control valves).

(B) Positive crankcase ventilation valve.

(C) Fuel injectors.

(D) Turbocharger.

(E) Electronic engine control unit and its associated sensors and actuators.

(F) Particulate trap or trap-oxidizer system (including related components).

(ii) For light-duty trucks and heavy-duty engines, the adjustment, cleaning, repair, or replacement of the following at 50,000 miles (or 1,500 hours) of use and at 50,000-mile (or 1,500-hour) intervals thereafter:

(A) Exhaust gas recirculation system (including all related filters and control valves).

(B) Positive crankcase ventilation valve.

(C) Fuel injector tips (cleaning *only*).

(iii) The following maintenance at 100,000 miles (or 3,000 hours) of use and at 100,000-mile (or 3,000-hour) intervals thereafter for light-duty trucks and light heavy-duty engines, or, at 150,000 miles (or 4,500 hours) of use and at 150,000-mile (or 4,500-hour) intervals thereafter for medium and heavy-duty engines: The adjustment, cleaning, repair, or replacement of

(A) Fuel injectors.

(B) Turbocharger.

(C) Electronic engine control unit and its associated sensors and actuators.

(D) Particulate trap or trap-oxidizer system (including related components).

(5) [Reserved]

(6) (i) The Following components are currently defined as critical emission-related components:

(A) Catalytic converter.

(B) Air injection system components.

(C) Electronic engine control unit and its associated sensors (including oxygen sensor if installed) and actuators.

(D) Exhaust gas recirculation system (including all related filters and control valves).

(E) Positive crankcase ventilation valve.

(F) Evaporative emission control system components (excluding canister air filter).

(G) Particulate trap or trap-oxidizer system.

(ii) All critical emission-related scheduled maintenance must have a reasonable likelihood of being performed in-use. The manufacturer shall be required to show the reasonable likelihood of such maintenance being performed in-use, and such showing shall be made prior to the performance of the maintenance on the durability data vehicle. Critical emission-related scheduled maintenance items which satisfy one of the following conditions will be accepted as having a reasonable likelihood of the maintenance item being performed in-use:

(A) Data are presented which establish for the Administrator a connection between emissions and vehicle performance such that as emissions increase due to lack of maintenance, vehicle performance will simultaneously deteriorate to a point unacceptable for typical driving.

(B) Survey data are submitted which adequately demonstrate to the Administrator that, at an 80 percent confidence level, 80 percent of such engines already have this critical maintenance item performed in-use at the recommended interval(s).

(C) A clearly displayed visible signal system approved by the Administrator is installed to alert the vehicle driver that maintenance is due. A signal bearing the message "maintenance needed" or "check engine," or a similar message approved by the Administrator, shall be actuated at the appropriate mileage point or by component failure. This signal must be continuous while the engine is in operation, and not be easily eliminated without performance of the required maintenance. Resetting the signal shall be a required step in the maintenance operation. The method for resetting the signal system shall be approved by the Administrator.

(D) A manufacturer may desire to demonstrate through a survey that a critical maintenance item is likely to be performed without a visible signal on a maintenance item for which there is no prior in-use experience without the signal. To that end, the manufacturer may in a given model year market up to 200 randomly selected vehicles per critical emission-related maintenance item without such visible signals, and monitor the performance of the critical maintenance item by the owners to show compliance with paragraph (b)(6)(ii)(B) of this section. This option is restricted to two consecutive model years and may not be repeated until any previous survey has been completed. If the critical maintenance involves more than one engine family, the sample will be sales weighted to ensure that it is representative of all the families in question.

(E) The manufacturer provides the maintenance free of charge, and clearly informs the customer that the maintenance is free in the instructions provided under § 86.087–38.

(F) Any other method which the Administrator approves as establishing a reasonable likelihood that the critical maintenance will be performed in-use.

(iii) Visible signal systems used under paragraph (b)(6)(ii)(C) of this section are considered an element of design of the emission control system. Therefore, disabling, resetting, or otherwise rendering such signals inoperative without also performing the indicated maintenance procedure is a prohibited act under section 203(a)(3) of the Clean Air Act, as amended in August 1977 (42 U.S.C. 7522(a)(3)).

(7) *Changes to scheduled maintenance.* (i) For maintenance practices that existed prior to the 1980 model year, only the maintenance items listed in paragraphs (b)(3) and (b)(4) of this section are currently considered by EPA to be emission-related. The Administrator may, however, determine additional scheduled maintenance items that existed prior to the 1980 model year to be emission-related by announcement in a **Federal Register** Notice. In no event may this notification occur later than September 1 of the calendar year two years prior to the affected model year.

(ii) In the case of any new scheduled maintenance, the manufacturer must submit a request for approval to the Administrator for any maintenance that it wishes to recommend to purchasers and perform during durability determination. New scheduled maintenance is that maintenance which did not exist prior to the 1980 model year, including that which is a direct result of the implementation of new technology not found in production prior to the 1980 model year. The manufacturer must also include its recommendations as to the category (*i.e.*, emission-related or non-emission-related, critical or non-critical) of the subject maintenace and, for suggested emission-related maintenance, the maximum feasible maintenance interval. Such requests must include detailed evidence supporting the need for the maintenance requested, and supporting data or other substantiation for the recommended maintenance category and for the interval suggested for emission-related maintenance. Requests for new scheduled maintenance must be approved prior to the introduction of the new maintenance. The Administrator will then designate the maintenance as emission-related or non-emission-related. For maintenance items established as emission-related, the Administrator will further designate the maintenance as critical if the component which receives the maintenance is a critical component under paragraph (b)(6) of this section. For each maintenance item designated as emission-related, the Administrator will also establish a technologically necessary maintenance interval, based on industry data and any other information available to EPA. Designations of emission-related maintenance items, along with their identification as critical or non-critical, and establishment of technologically necessary maintenance intervals, will be announced in the **Federal Register.**

(iii) Any manufacturer may request a hearing on the Administrator's determinations in paragraph (b)(7) of this section. The request shall be in writing, and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(c) Non-emission-related scheduled maintenance which is reasonable and technologically necessary (*e.g.*, oil change, oil filter change, fuel filter change, air filter change, cooling system maintenance, adjustment of idle speed, governor, engine bolt torque, valve lash, injector lash, timing, etc.) may be performed on durability-data vehicles at the intervals recommended by the manufacturer to the ultimate purchaser.

(d) *Unscheduled maintenance on light-duty durability data vehicles.* (1) Unscheduled maintenance may be performed during the testing used to determine deterioration factors, except as provided in paragraphs (d)(2) and (d)(3) of this section, only under the following provisions:

(i) A fuel injector or spark plug may be changed if a persistent misfire is detected.

(ii) Readjustment of a gasoline-fueled vehicle cold-start enrichment system may be performed if there is a problem of stalling.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed in addition to that performed as scheduled maintenance under paragraph (c) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 rpm or more, or if there is a problem of stalling.

(2) Any other unscheduled vehicle, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement during testing to determine deterioration factors shall be performed only with the advance approval of the Administrator. Such approval will be given if the Administrator:

(i) Has made a preliminary determination that the part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle or engine unrepresentative of vehicles or engines in-use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and,

(ii) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss. The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle/engine malfunction (*e.g.*, misfiring, stalling, black smoke), or an activation of an audible and/or visible signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(3) Emission measurement may not be used as a means of determining the need for unscheduled maintenance under paragraph (d)(2) of this section, except under the following conditions:

(i) The Administrator may approve unscheduled maintenance on durability-data vehicles based upon a significant change in emission levels that indicates a vehicle or engine malfunction. In these cases the Administrator may first approve specific diagnostic procedures to identify the source of the problem. The Administrator may further approve of specific corrections to the problem after the problem has been identified. The Administrator may only approve the corrective action after it is determined that:

(A) The malfunction was caused by nonproduction build practices or by a previously undetected design problem,

(B) The malfunction will not occur in production vehicles or engines in-use, *and*

(C) The deterioration factor generated by the durability-data vehicle or engine will remain unaffected by the malfunction or by the corrective action (*e.g.*, the malfunction was present for only a short period of time before detection, replacement parts are functionally representative of the proper mileage or hours, etc.).

(ii) Following any unscheduled maintenance approved under paragraph (d)(3)(i) of this section, the manufacturer shall perform an after-maintenance emissions test. If the Administrator determines that the after-maintenance emission levels for any pollutant indicates that the deterioration factor is no longer representative of production, the Administrator may disqualify the durability-data vehicle or engine.

(4) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle/engine unrepresentative of vehicles in-use, the vehicle/engine shall not be used for determining deterioration factors.

(5) Repairs to vehicle components of a durability data vehicle other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(e) *Maintenance on emission data vehicles and engines.* (1) Adjustment of engine idle speed on emission data vehicles may be performed once before the low-mileage/low-hour emission test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(2) Maintenance on light-duty truck emission-data vehicles selected under § 86.085–24(b)(1) (v) or (vii), and permitted to be tested for purposes of § 86.088–23(c)(1)(ii) under the provisions of § 86.085–24(b)(2), may be performed in conjunction with emission control system modifications at the low-mileage test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.087–38.

(3) Maintenance on those light-duty truck emission-data vehicles selected under § 86.085–24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than that intended by the original design, may be performed in conjunction with the emission control system modifications at the low-mileage test point, and shall be approved in advance by the Administrator.

(4) Repairs to vehicle components of an emission data vehicle other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and:

(1) Are used in conjunction with scheduled maintenance on such components, or

(2) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (d)(2) of this section for durability data vehicles or in paragraph (e)(1) of this section for emission-data vehicles, or

(3) Unless specifically authorized by the Administrator.

(g)(1) Paragraph (g) of this section applies to light-duty vehicles.

(2) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after scheduled maintenance approved for durability data vehicles. The manufacturer may perform emission tests before unscheduled maintenance. Complete emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions. The Administrator may waive the requirement to test after unscheduled maintenance. These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered to the Administrator concurrently with the manufacturer's application for certification.

(h) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.088–23.

3. Section 86.118–78 of Subpart B is amended by revising paragraph (c) to read as follows:

§ 86.118–78 Dynamometer Calibration.

* * * * *

(c) *Calculations.* The road load power actually absorbed by the dynamometer is calculated from the following equation:

$HP_d = (1/2)\,(W/32.2)\,(V_1^3 - V_2^3)/(550t)$

where:

HP_d = Power, horsepower (kilowatts)
W = Equivalent inertia, lb (kg)
V_1 = Initial Velocity, ft/s (m/s) (55 mph = 88.5 km/h = 80.67 ft/s = 24.58 m/s)
V_2 = Final Velocity, ft/s (m/s) (45 mph = 72.4 km/h = 66 ft/s = 20.11 m/s)
t = elapsed time for rolls to coast from 55 mph to 45 mph (88.5 to 72.4 km/h)

(Expressions in parenthesis are for SI units.) When the coastdown is from 55 to 45 mph (88.5 to 72.4 km/h) the above equation reduces to:

$HP_d = 0.06073\,(W/t)$ for SI units,
$HP_d = 0.09984\,(W/t)$

4. A new § 86.113–90 is added to Subpart B, to read as follows:

§ 86.113–90 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specification or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing except that octane specifications do not apply.

Item	ASTM	Value
Octane, research, minimum.	D2699	93
Sensitivity, minimum		7.5
Lead (organic):		
g/U.S. gal	D3237	[1] 0.050
(g/liter)		[1] (0.013)
Distillation range:		
IBP [2]:		
°F	D86	75–95
(°C)		(23.9–35)
10 pct. point:		
°F	D86	120–135
(°C)		(48.9–57.2)
50 pct. point:		
°F	D86	200–230
(°C)		(93.3–110)
90 pct. point:		
°F	D86	300–325
(°C)		(148.9–162.8)
EP, (max.):		
°F	D86	415
(°C)		(212.8)
Sulfur, weight, percent, maximum	D1266	0.10
Phosphorus:		
g/U.S. gal., maximum.	D3231	0.005
g/liter)		(0.0013)
RVP [3] [4]:		
psi	D323	8.7–9.2
(kPa)		(60.0–63.4)
Hydrocarbon composition:		
Olefins, percent, maximum.	D1319	10
Aromatics, percent, maximum.	D1319	35
Saturates	D1319	[5]

[1] Maximum.
[2] For testing at altitudes above 1,219 m (4,000 ft), the specified range is 75°–105°F (23.9–40.6°C).
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2 psi (55.2–63.4 kPa).
[4] For testing at altitudes above 1,219 m (4,000 ft), the specified range is 7.9–9.2 psi (54.5–63.4 kPa).
[5] Remainder.

(2) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. Leaded gasoline will not be used in service accumulation.

(i) The octane rating of the gasoline used shall be no higher than 1.0 Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.088–21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant and biocide.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2–D" grade diesel, shall be used.

Item	ASTM Test Method No.	Type 2–D
Cetane Number	D613	42–50
Distillation range:		
IBP:		
°F	D86	340–400
(°C)		(171.1–204.4)
10 pct. point:		
°F	D86	400–460
(°C)		(204.4–237.8)
50 pct. point:		
°F	D86	470–540
(°C)		(243.3–282.2)
90 pct. point:		
°F	D86	550–610
(°C)		(287.8–321.1)
EP:		
°F	D86	580–660
(°C)		(304.4–348.9)
Gravity, °API	D287	33–37
Total sulfur, percent.	D129 or D2622.	0.2–0.5
Hydrocarbon composition.	D1319	
Aromatics, percent, minimum.		27
Parafins, Naphthenes, Olefins.		[1]
Flashpoint, minimum:		
°F	D93	130
(°C)		(54.4)
Viscosity, centistokes.	D445	2.0–3.2

[1] Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2–D" grade diesel fuel, shall be used.

Item	ASTM Test Method No.	Type 2–D
Cetane number	D613	38–58
Distillation range:		
90 pct. point:		
°F	D86	430–630
(°C)		(221.1–332.2)
Gravity, °API	D287	30–42
Total sulfur, percent, minimum.	D129 or D2622.	0.20
Flashpoint, minimum:		
°F	D93	130
(°C)		(54.4)
Viscosity, centistokes.	D455	1.5–4.5

(4) Other petroleum distillate fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications is provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.088–21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

5. A new § 86.513–90 is added to Subpart F, to read as follows:

§ 86.513–90 Fuel and engine lubricant specifications.

(a) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer for emission testing except that the octane specifications do not apply.

Item	ASTM	Value
Octane, research, minimum.	D2699	96
Lead (organic):		
g/liter	D3237	[1] 0.013
(g/U.S. gal.)		[1] (0.050)
Distillation range:		
IBP:		
°C	D86	23.9–35
(°F)		(75–95)
10 pct. point:		
°C	D86	48.9–57.2
(°F)		(120–135)
50 pct. point:		
°C	D86	93.3–110
(°F)		(200–230)
90 pct. point:		
°C	D86	148.9–162.8
(°F)		(300–325)
EP:		
°C max	D86	212.8
(°F)		(415)
Sulfur, weight percent, maximum.	D1266	0.10
Phosphorus:		
g/liter, max	D3231	0.0013
(g/U.S. gal)		(0.005)
RVP, kPa (psi)	D323	55.2–63.4 (8.0–9.2)
Hydrocarbon composition:		
Olefins, percent, maximum.	D1319	10
Aromatics, percent, maximum.	D1319	35
Saturates	D1319	Remainder

[1] Maximum.

(b)(1) Unleaded gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in service accumulation.

(2) The octane rating of the gasoline used shall be no higher than 4.0 Research octane numbers above the minimum recommended by the manufacturer.

(3) The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season in which the service accumulation takes place.

(4) If the manufacturer specifies several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

(c) The specification range of the fuels and engine lubricants to be used under paragraph (b) of this section shall be reported in accordance with § 86.416.

(d) The same lubricant(s) shall be used for both service accumulation and emission testing.

(e) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

6. A new § 86.1213–90 is added to Subpart M, to read as follows:

§ 86.1213–90 Fuel specifications.

(a) Gasoline having the following specifications will be used in emissions testing.

Item	ASTM	Value
Octane, research, minimum.	D2699	93
Sensitivity, minimum		7.5
Lead (organic):		
g/U.S. gal	D3237	[1] 0.050
(g/liter)		[1] (0.013)
Distillation range:		
IBP:		
°F	D86	75–95
(°C)		(23.9–35)
10 pct. point:		
°F	DS86	120–135
(°C)		(48.9–57.2)
50 pct. point:		
°F	D86	200–230
(°C)		(93.3–110)
90 pct. point:		
°F	D86	300–325
(°C)		(148.9–162.8)
EP, maximum:		
°F	D86	415
(°C)		(212.8)
Sulphyr, weight percent, maximum.	D1266	0.10
Phosphorous:		
g/U.S. gal., maximum.	D3231	0.005
(g/liter)		(0.0013)
RVP:		
psi	D323	8.7–9.2
(kPa)		(60.0–63.4)
Hydrocarbon composition:		
Olefins, percent, maximum.	D1319	10
Aromatics, percent, maximum.	D1319	35
Saturates	D1319	[2]

[1] Maximum.
[2] Remainder.

(b)(1) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation.

(2) The octane rating of the gasoline used shall be no higher than 1.0 Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(3) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(c) The specification range of the gasoline to be used under paragraph (b) of this section shall be recorded.

7. A new § 86.1313–90 is added to Subpart N, to read as follows:

§ 86.1313–90 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the specifications listed in Table N90–1 will be used by the Administrator in exhaust emission testing. Gasoline having these specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust emission testing, except that the octane specifications do not apply.

TABLE N90–1

Item	ASTM	Value
Octane, research, minimum.	D2699	93
Sensitivity, minimum		7.5
Lead (organic):		
g/U.S. gal	D3237	[1] 0.050
(g/liter)		[1] (0.013)
Distillation range:		
IBP:		
°F	D86	75–95
(°C)		(23.9–35)
10 pct. point:		
°F	D86	120–135
(°C)		(48.9–57.2)
50 pct. point		
(°F)	D86	200–230
°C		(93.3–110)
90 pct. point		
(°F)	D86	300–325
°C		(148.9–162.8)
EP, maximum:		
(°F)	D86	415
°C		(212.8)
Sulphur, weight percent, maximum.	D1266	0.10
Phosphorus:		
g/U.S. gal. maximum.	D3231	0.005
(g/liter)		(0.0013)
RVP:		
psi	D323	8.7–9.2
(kPa)		(60.0–63.4)

Item	ASTM	Value
Hydrocarbon composition:		
Olefins, percent, maximum.	D1319	10
Aeromatics, percent, maximum.	D1319	35
Saturates	D1319	(2)

[1] Maximum.
[2] Remainder.

(2) Unleaded gasoline representative of commercial gasoline which is generally available through retail outlets shall be used in service accumulation.

(i) The octane rating of the gasoline used shall be no higher than one Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.088–21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, meal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant and biocide.

(2) Diesel fuel meeting the specifications in Table N90–2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1–D" or "Type 2–D" grade diesel fuel shall be used.

TABLE N90–2

Item	ASTM	Type 1–D	Type 2–D
Cetane	D613	48–54	42–50
Distillation range:			
IBP:			
°F	D86	330–390	340–400
(°C)		(165.6–198.9)	(171.1–204.4)
10 pct. point:			
°F	D86	370–430	400–460
(°C)		(187.8–221.1)	(204.4–237.8)
50 pct. point:			
°F	D86	410–480	470–540
(°C)		(210.0–248.9)	(243.3–282.2)
90 pct. point:			
°F	D86	460–520	550–610
(°C)		(237.8–271.1)	(287.8–321.1)
EP:			
°F	D86	500–560	580–660
(°C)		(260.0–293.3)	(304.4–348.9)
Gravity, °API	D287	40–44	33–37
Total sulfur, percent	D129 or D2622.	0.05–0.20	0.20–0.50
Hydrocarbon composition:			
Aromatics, percent	D1319	[1] 8	[1] 27
Parafins, Naphthenes, Olefins	D1319	(2)	(2)
Flashpoint:			
°F	D93	120	130
(minimum)			
(°C)		(48.9)	(54.4)
Viscosity, Centistokes	D445	1.6–2.0	2.0–3.2

[1] Minimum.
[2] Remainder.

(3) Diesel fuel meeting the specifications in Table N90–3, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D" grade diesel fuel shall be used:

TABLE N90–3

Item	ASTM	Type 1–D	Type 2–D
Cetane	D613	42–56	30–58
Distillation range:			
90 pct. point:			
°F	D86	440–530	540–630
(°C)		(226.7–7–276.7)	(282.2–332.2)
Gravity, °API	D287	39–45	30–42

TABLE N90-3—Continued

Item	ASTM	Type 1-D	Type 2-D
Total sulfur, percent, minimum	D129 or D2622.	0.05	0.20
Flashpoint:			
°F, minimum	D93	120	130
(°C)		(48.9)	(54.4)
Viscosity, centistokes	D455	1.2-2.2	1.5-4.5

(4) Other petroleum distillate fuels may be used for testing and service accumulation provided that:

(i) They are commercially available;

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service;

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability;

(iv) Written approval from the Administrator of the fuel specifications is provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.088-21(b)(3).

8. A new § 86.1513-90 is added to Subpart P, to read as follows:

§ 86.1513-90 Fuel specifications.

The requirements of this section are set forth in § 86.1313-90(a) for heavy-duty engines, and in § 86.113-90(a) for light-duty trucks.

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Part III

Environmental Protection Agency

40 CFR Part 51

Stack Height Emissions Balancing; Final Policy Statement

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-3215-9]

Stack Height Emissions Balancing; Final Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final policy statement.

SUMMARY: Reproduced below is a memorandum which sets forth EPA's national policy authorizing use of "emissions balancing" (EB) for compliance with the Agency's revised stack height regulation promulgated July 8, 1985 (50 FR 27892). This policy provides an alternative compliance option which can result in substantial cost savings to electric utility or other sources affected by these regulations or to their customers, while assuring equivalent or greater environmental benefits. It makes final and responds to major comments on a policy proposed December 23, 1985 (50 FR 52418).

EFFECTIVE DATE: This policy is effective on January 7, 1988.

FOR FURTHER INFORMATION CONTACT: For information concerning the policy issues addressed herein, contact J. David Foster, Office of Air and Radiation, (202) 475–8590. For information concerning implementation and processing of emissions balancing state implementation plan revisions, contact G.T. Helms, Office of Air Quality Planning and Standards, (919) 541–5527.

SUPPLEMENTARY INFORMATION:

Docket Statement

Pertinent information concerning this policy is included in Docket Number A–85–05 which has been established as the record of these proceedings. This Docket is maintained in EPA's Central Docket Section, South Conference Center, Room #4, 401 M Street SW., Washington, DC, and may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying materials in this Docket.

I. Introduction and Summary

The stack height regulation revisions promulgated on July 8, 1985 (50 FR 27892) implement the provisions of section 123 of the Clean Air Act, which requires that the degree of emission limitation required for control of any air pollutant under an applicable state implementation plan (SIP) shall not be affected by (1) stack heights in excess of good engineering practice (GEP), or (2) any other dispersion technique. For more detailed discussion, see the July 8, 1985 notice.

Stationary sources of air pollution are subject to emission limitations to assure attainment of the national ambient air quality standards (NAAQS) and to protect prevention of significant deterioration (PSD) increments. These limitations are derived from predictions of ground-level pollutant concentrations that will occur in the area of maximum impact as a result of pollutant emissions from one or more sources. Dispersion-enhancing practices, including excessively tall stacks, lower the predicted ground-level concentrations and may result in emission limitations which allow sources to emit greater total amounts of pollution than if such practices were not employed.

Under the revised stack height regulation, some sources may be subject to emission limitations which are more stringent than those which currently apply. Today's final policy has been developed in consideration of the fact that emission reductions mandated by the stack height regulation may be obtained more cost-effectively by allowing such a source to secure these reductions at (an)other source(s), in lieu of reducing emissions at its own facility. For purposes of this policy, the source which is subject to more stringent emission limits is called the "affected source"; the source which provides the emission reductions needed to satisfy such limits is called the "providing source". This joint satisfaction of an emission reduction obligation is referred to as an "emissions balance."

Under Clean Air Act section 110 and 40 CFR Part 51, a SIP revision establishing emission limits for affected sources must provide for full implementation of (i.e., ultimate compliance with) any required emission reduction as expeditiously as practicable but not later than 3 years from the date EPA approves the SIP revision.

Emissions balances will also be approved through this SIP revision process. To allow sufficient time for arranging balances while assuring prompt ultimate compliance, the final policy requires EB SIP revisions to be submitted to EPA within 9 months after EPA final approval of the stack height SIP revision for the relevant affected source. Use of an emission balance will not be permitted to delay compliance beyond 3 years from the date EPA approves the relevant stack height sip revision.

The EPA is limiting the period during which emission balances can be submitted to avoid delays in compliance with GEP emission limitations. Depending on the extent of required emission reductions, significant lead time may be necessary before actual compliance can be achieved. If a source sought to apply for an emission balance later than 9 months after receiving a revised emission limitation, it might not be possible for the balance SIP revision to be approved and for the providing source to reduce its emissions within the time required for ultimate compliance with the GEP emission limitation.

To ensure that balances will have environmental effects equivalent to stack-by-stack compliance with the July 8 regulation, EPA has concluded that, in light of potential complexities involved in the stack height regulation, the emission reductions from the providing source must be greater than the reductions required of the affected source by the stack height regulation. In order to facilitate prompt approval of sound applications for emission balances, without the potential delay that might otherwise result from intensive verification of baseline and other factors bearing on equivalent emission reductions, the final policy requires 20 percent more emission reductions from the providing source than would have been required from the originally affected source (i.e. a "balancing ratio" of 1 to 1.2), on an annual average basis.

The proposal would have barred balance credit from shutdowns or production curtailments. The final policy similarly does not allow general use in balances of emission reductions from plant shutdowns or operation curtailments, but authorizes their consideration in individual cases employing "lower emissions dispatch" (LED) where stated criteria are met. The concept of LED, which explicitly couples the curtailment of operations at high emitting facilities with the increased use of well-controlled facilities, is currently being analyzed by various states under EPA's State Acid Rain (STAR) grant program, in part to determine whether that approach could be generally authorized in future Agency actions. However, because EPA does not yet know how reductions from LED could be adequately calculated, monitored, and enforced, this approach can only be considered on a case-by-case basis in which applicants fully demonstrate that these concerns will be satisfactorily addressed. As stated at C.3 in the final policy, sources must submit a contingency plan that could take effect if the LED proposal is disapproved. Applicants who elect to pursue this case-by-case approach should be aware

that inquiries needed to satisfy such concerns may add delays to an already tight timetable, and that in no case will these delays be considered a justification for extending the 3-year ultimate compliance deadline.

EPA's December 23, 1985 proposal considered placing limits on the relative difference in stack heights of the providing and affected sources. The Agency has subsequently determined that any such limit would both unnecessarily increase the policy's complexity and decrease the effectiveness of the program. The final policy therefore imposes no constraints based on actual or effective stack height differences.

Because of potential administrative and enforcement difficulties with balances that transcend a single state's jurisdiction, today's policy generally limits balances to facilities within state boundaries. However, this policy recognizes a specific exception in the case of interstate air quality control regions (AQCR's). In such interstate areas, states have already developed enforceable interstate processes for attaining and maintaining ambient air quality standards. Therefore, this policy also allows the balancing of emission reductions among sources within an interstate air quality control region.

In brief, today's policy allows an affected source to meet more stringent emission limitations required by the revised stack height regulation by securing emission reductions from another source or sources within the same state or interstate AQCR, subject to a "balancing ratio" of 1 to 1.2 and other safeguards (see sections A and B of the policy) designed to assure that reductions at least equivalent to those expected from stack-by-stack compliance will be obtained.

Analyses of the likely effects of such emissions balancing have consistently indicated that it will produce equal or greater emission reductions at substantially less cost than conventional compliance without balancing.[1]

II. Response to Comments on December 23, 1985 Proposal

EPA received 24 comments addressing the proposed policy. Minor comments have been consolidated according to the issues raised and are summarized along with EPA's responses in a detailed response to comments document included in the docket. Comments which addressed issues fundamental to development of the final policy are briefly summarized and responded to below.

A. Legality

Three commenters asserted that use of emissions balancing would not square with the statute, claiming that section 123's bar on crediting "excess" stack height (i.e., stack height exceeding GEP) when developing applicable SIP emission limits also requires compliance with those limits at the specific stack. They additionally cited *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983), which did not address the issues here but generally cautioned EPA to interpret section 123 in a manner which errs on the side of protecting public health.

EPA disagrees with these commenters. It is quite true that excess stack height may not be taken into account when developing SIP emission limits; these limits must treat such stacks exactly as though they were not excessively "tall." However, these comments ignore the fact that once such limits are properly developed, the requirements of section 123 are fulfilled. Resulting emission limits are thereafter no different than any other SIP emission limitation under Clean Air Act section 110, and may generally be satisfied in the same broad range of ways.[2] That is particularly true where, as here, balances may only be used in areas which have either attained and are maintaining the relevant NAAQS and PSD increments, or are implementing EPA-approved plans for doing so (see today's policy section A.5). Section 123 was not written or intended to physically eliminate all dispersion of pollutants, but rather to eliminate reliance on undue dispersion when calculating necessary levels of emission control. Thus, beyond the need to assure the protection of public health and welfare from actual air quality levels in excess of the NAAQS or PSD increments, there is no need to require site-specific control since, in conjunction with the stack height regulation, the policy assures that no undue reliance on dispersion exists.

No different result is required by some commenters' reliance on statutory and regulatory language prohibiting emission limitations that are "affected in any manner" by "so much of the stack height of any source" that exceeds GEP. Section 123 itself refers to "the degree of emission limitations required for control of any air pollutant under an applicable implementation plan," not for control of any air pollutant emitted by a specific source under such a plan. Moreover, the cited passages uniformly refer to the process by which initial SIP limitations must be developed under section 123—a process which is necessarily source-specific, since it turns on such factors as the individual source's stack height, plume rise, and interplay with emissions from other nearby sources. See, e.g., 40 CFR 51.12(j) (1985). These provisions simply do not reach the question of how such limits, once properly set, may be satisfied. Once those limits are properly set, emission balances change neither the overall degree of emission limitation nor the amount of total reduction required under the applicable plan, other than to provide greater reduction.

Nor is a different result required by comments that "grandfathered" stacks not subject to section 123 should not be allowed to provide reductions for emissions balances. That Congress refused to mandate further restrictions on stacks constructed before 1971 says nothing about their ability to voluntarily reduce emissions further as part of an emission balance. Indeed, securing further, cost-effective reductions from exempted stacks constitutes an additional justification for allowing these sources to be providing sources in an emissions balance.

B. Emissions Balancing Ratio

The proposed policy requested comment on a range of ratios between 1 to 1.2 and 1 to 2, noting without explanation that EPA "preferred" the higher ratio. Two comments supported this 1 to 2 ratio. Ten comments supported a 1 to 1 ratio, asserting that EPA lacked authority to require more than equivalent emission reductions. Three commenters supported 1 to 1.2, stating that this ratio should provide more than adequate environmental equivalence and that any higher ratio would discourage balances and could therefore result in less overall environmental benefit. Seven commenters suggested other ratios or ratioing techniques.

Providing source(s) must reduce emissions of the same pollutant, calculated on an annual average basis, to an extent 1.2 times (i.e., twenty percent more than) the emission reduction required of the affected source (or 1.2 times that portion of the required reduction for which the affected source is seeking an emissions balance). Because of the extremely short time available to develop, approve, and implement emisson balances under the three-year deadline, and the potential delays produced by the detailed examination needed to assure equivalence, EPA believes that the 1 to

[1] *Analysis of the Promulgated Stack-Height Regulations With and Without Emissions Trading*, ICF, Inc., August 1986, Docket Item #IV-A-1.

[2] Compare, e.g., Final Emissions Trading Policy, 51 FR 43814 (Dec. 4, 1986).

1.2 ratio is needed to help ensure overall environmental results at least equivalent to those which would result if all emission reductions had occurred at the affected source. Given that NAAQS and PSD increments are required to be attained, that real reductions from a lower-of-actuals-or-SIP-allowables (or remodeled SIP allowables, if remodeling is required) emissions baseline are required from each providing source, and that the policy contains other safeguards, EPA believes that a 1 to 1.2 ratio provides adequate assurance of equivalence and that no higher ratio is required. The 1 to 1.2 ratio would also yield the least costly reductions from the range of ratios evaluated.

C. Credit for Shutdowns, Curtailments or Lower Emissions Dispatch (LED)

The proposed policy would have barred balancing credit for these possible emission-reducing actions at providing sources, noting potential monitoring and enforcement problems. It further noted that, assuming constant demand, reduced electricity production at one providing facility could result in parallel increases elsewhere.

Eleven of thirteen commenters of this issue recommended that emissions balance credit be given for reductions derived from lower emissions dispatch or some other form of enforceable curtailment of operations at high emitting facilities. One commenter suggested that such credit be given on a case-by-case basis, and one commenter supported the proposed policy.

"Lower emissions dispatch" is the term used in this policy to describe a utility company, holding company, or powerpool management strategy to control emissions by decreasing electricity production at higher emitting (e.g., higher lbs/10^6 Btu) power plants, and increasing electricity production at lower emitting (cleaner) power plants, rather than distributing (dispatching) electricity production solely on the basis of least cost.

Creditable emission reductions in this section 123 context depend not so much on the production level at a given facility as on a detailed analysis of the change in emissions resulting from the transfer of production from one facility with one set of controls to another facility with another set of controls. Without detailed enforceable provisions relating not only to the curtailment of production at a high emitting facility, but also to the transfer of production to and emission limits at an identified second facility, reductions claimed from LED would not, in general, be sufficiently reliable.

None of the commenters demonstrated how these emission reductions could be reliably enforced. Without assurance that emission reductions derived from curtailments at high emitting facilities would be enforceably coupled with increased production at low emitting facilities, or would otherwise assure equivalent or lower emissions, EPA cannot generally authorize emissions balances relying upon curtailment. EPA presently does not know how to calculate reductions from or how to adequately enforce LED. However, EPA will review such proposed methods of achieving reductions for an emissions balance on a case-by-case basis, where applicants fully document and commit to use enforceable, easily monitored procedures for assuring equivalent emission reductions. Applicants should be aware that they bear the burden of proof on such showings, which will not constitute grounds for extending the three-year ultimate compliance date described above and in more detail at subsections F and G below.

D. Relative Stack Height Limits

The proposed policy requested comments on four possible options for relative stack height limitations, ranging from no additional restrictions to a requirement that the effective height (i.e., physical stack height plus plume rise) of the providing source be at least equal to that of the affected source. Eighteen comments supported no stack height restriction. One commenter advocated the most stringent option requiring equal or greater effective stack height, citing concerns that balancing might otherwise increase long range transport.

The final policy does not restrict the relative stack heights of affected and providing sources. The thrust of section 123 is to limit reliance on undue dispersion when calculating appropriate levels of emissions control. No restriction on relative stack height appears necessary to effectuate that purpose, and such restrictions would likely result in fewer and more costly emission reductions that balances could otherwise secure. EPA analyses suggest that emissions balancing without additional stack height restrictions could secure up to 30,000 tpy more SO_2 reduction (with savings up to $50 million per year more) than balancing with additional stack height restrictions.[1]

EPA concludes that balances with no restrictions on relative stack height are likely to provide greater emission reductions and cost savings, as well as being easiest to implement and enforce compared to the other alternatives evaluated.

E. Geographical Boundaries

The proposed policy would have limited balances to sources within the same state or same interstate AQCR. Twelve comments were received discussing the geographical boundaries appropriate for emissions balancing. Five urged interstate balances with few, if any restrictions. Three favored allowing balances in bordering states as well as within the same state. One favored the EPA proposal. Others suggested limiting balances to a single state, or to a geographic area defined to assure that benefits were obtained in the airshed of the affected source. Several of these comments were based on assumptions regarding localized ambient concerns or specialized transport concerns which are not relevant here.

The final policy allows balancing as proposed. The language of section 123 refers to "[t]he degree of emission limitation required * * * under an applicable implementation plan * * *." (underlining added). EPA believes that authorizing emissions balancing within a single state or within a single interstate AQCR will appropriately maintain the policy's environmental and compliance usefulness without sacrificing administrative feasibility. More than half the potentially affected sources are located within interstate AQCR's and many others offer potential balances within single states. Allowing full interstate balancing with no restrictions as to state lines could result in undue administrative and enforcement problems because many states may not be able to enforce and implement an interstate balance in a timely manner. Conversely, limiting balances to a single AQCR or part of a state could severely limit the use and environmental benefits of the policy. That approach would sharply reduce the number of potential providing sources, and could therefore limit the speed and ease with which an affected source could meet the conditions of this policy and of the revised stack height regulation.

F. Emissions Balancing SIP Revision Deadline

The proposal requested comment on the appropriateness of an October 8, 1986 proposed deadline for submittal of emission balancing (EB) SIP revisions as well as alternative approaches. Eleven comments were received on this topic. Ten asserted that the October 8, 1986 deadline for submittal to EPA of EB SIP

revisions was too short to be met in light of past experience with the SIP revision process. One commenter supported the proposed deadline. Several of these comments supported a deadline of nine months after final policy promulgation. They further requested clarification that balances need not be submitted with the initial stack height SIP revisions and that this deadline was not for actual source compliance, but only for SIP submittal.

EPA has concluded that sufficient time for development of balances can be accommodated without delaying compliance, in a manner different than that suggested in the proposal. To provide adequate time for development, approval and implementation of emission balances, states will be allowed nine months from the date of EPA final approval of the relevant stack height SIP revision to submit the emissions balancing SIP revision. EB SIP revisions need not be submitted with the stack height SIP revisions. However, in order to assure that required emission reductions are known, a stack height SIP revision for an affected source must be submitted prior to or coincident with an EB SIP revision for that source. EPA agrees that the nine month deadline only applies to submittal of an EB SIP revision, not to actual source compliance, which is not later than three years from the date that EPA approves the affected source's stack height SIP revision.

This approach will not delay ultimate compliance, since the date by which an affected source must meet its revised emission limits will not change as a result of emissions balancing. EPA encourages states to submit EB SIP revisions expeditiously, to provide affected sources sufficient time to comply with these requirements.

G. Source Compliance Date

Two commenters generally stated that the compliance deadline for a source should be determined on a case-by-case basis. One also indicated that case-by-case compliance date determinations were especially appropriate for sources proposing to use innovative technologies as part of balances.

Under the final policy, the compliance date for an emissions balance is the same as provided by 40 CFR 51.110(b)—as expeditious as practicable, but not more than three years from EPA approval of the relevant stack height SIP revision.

Date: December 23, 1987.

Lee M. Thomas,

Administrator.

Memorandum

Subject: Stack Height Emissions Balancing Policy

From: The Administrator (A–100)

To: Regional Administrator, Regions I–X

I. Background

On July 8, 1985 the Environmental Protection Agency (EPA) promulgated the revised stack height regulation required to implement section 123 of the Clean Air Act, 50 FR 27892. The regulation principally affects sources emitting SO_2 and limits the credit these and certain other sources can receive for the height of their stacks and the use of other dispersion techniques in calculating emission limits. Consequently, some of these sources will be required to secure emission reductions in order to comply with the stack height regulation.

The likelihood that some required emission reductions could be obtained in a more cost-effective manner from other sources has given rise to the concept known as "emissions balancing" (EB). This concept would allow sources subject to the stack height regulation to comply in a more cost-effective manner while achieving an equal or greater overall environmental result.

II. Policy Discussion

This policy authorizes a source directly affected by the stack height regulation ("affected source") to obtain any required emission reduction from another source or sources ("providing source"). However, any source which must reduce its emissions because of reliance on a prohibited supplemental or intermittent control strategy cannot meet its requirements by obtaining reductions from (an) other source(s).

Providing source(s) must reduce emissions of the same pollutant, calculated on an annual average basis, to an extent 1.2 times (i.e., twenty percent more than) the emission reduction required of the affected source (or 1.2 times that portion of the required reduction for which the affected source is seeking an emissions balance). This balance factor has been chosen because of the difficulty of ensuring equivalent emission reductions, given the very short time available for affected sources to submit, receive approval of, and implement indivdiual balances.

Partial balancing and balancing with more than one source are also authorized. This means that an affected source may combine emission reductions at its own facilities with emission reductions from (a) providing source(s) to secure the total reductions required. For example, if an affected source is required to reduce its emissions by 10,000 tons per year, it may reduce its own emissions by 5,000 tons per year and develop an emissions balance providing for an additional 6,000 (5,000 times 1.2) tons per year from another source, or it may establish a balance with more than one source to secure the entire reduction.

This policy applies to sources affected by the revised stack height regulation promulgated at 50 FR 27892 (July 8, 1985), which sources were in operation as of that date or for which permits to construct or operate had been issued as of that date.

III. Details of Policy

A. General Conditions for Approvable Emissions Balances

1. Emissions balancing may be permanent or may be used to comply with the regulations temporarily until permanent compliance can be achieved. With respect to temporary balancing, the requirements of this policy would apply for the duration of the temporary balance.

2. An approvable emissions balance must require that the providing source(s) reduce emissions of the same pollutant, calculated on an annual average basis, to an extent 1.2 times the emission reduction required of the affected source by application of the stack height regulation (or 1.2 times that portion of the required reduction for which the affected source is seeking an emissions balance).

3. An emissions balance must take place entirely within the boundaries of a single state or single interstate AQCR. With respect to the latter, interstate balances within the same air quality control region will be acceptable if an enforceable interagency agreement or equivalent provision is incorporated into the SIP's of both States and is approved by EPA. However, the appropriate Regional Office may limit balances to smaller areas on a case-by-case basis if necessary to assure protection of the national ambient air quality standards (NAAQS) or the prevention of significant deterioration (PSD) increments.

4. Emission reductions from the providing source(s) must be stack emissions, not fugitive emissions.

5. Other conditions of an approvable emissions balance are:

• Both the affected and providing sources must be in compliance or on an

enforceable schedule for compliance with all applicable federally-approved SIP requirements;

- All NAAQS for the pollutants involved in the balance must either be attained and maintained within the area of the emissions balance, or that area must be implementing an EPA-approved SIP providing for such attainment and maintenance;
- PSD increments must be protected:
- Any applicable SIP requirements for visibility protection must be met; and
- States and/or EPA must assure the adequacy of emission limitations for the affected and/or providing source(s). This may necessitate case-by-case re-evaluation of emission limitations to protect NAAQS or PSD increments. If any remodeling is required to ensure protection of NAAQS or PSD increments, as part of this re-evaluation, it must conform with EPA's current modeling guidelines [1], except that the affected source shall be remodeled using its actual stack height and current SIP (not new GEP) limits. This remodeling is not intended to allow relaxation of the affected source's allowable SIP limits.

6. In addition to any emissions limits needed to ensure protection of NAAQS and PSD increments, sources must demonstrate the following. If the providing source is used to cover the full emission reduction required by application of the stack height regulation to the affected source, that reduction must equal 1.2 times the tons per year of reduction required at the affected source absent the emissions balance.[2] Possible ways to achieve this are by placing an enforceable annual "cap" on the production level of the affected source, together with a "floor" on the production level (i.e., a minimum production level) on the providing source; or by use of a weighted rolling annual average emission limit for the affected and providing sources combined, etc. Because of the long averaging time (annual) involved in emissions balancing, special care should be taken to assure that enforceable means of monitoring compliance are included in the EB SIP revision.

7. The emissions balance must not cause or contribute to adverse impacts on the air quality-related values of any class I area. The Federal Land Manager of the class I area shall receive timely formal notification of any emissions change that may affect management of such lands.

8. Sources involved in an emissions balance, like all other sources, may later be required to make further emission reductions as a result of future SIP revisions determined necessary to attain or maintain NAAQS or PSD increments.

B. Calculation of Emissions Balances

1. The baseline from which emission reductions may be credited at the providing source must be the lowest of actual, current SIP allowable or remodeled SIP allowable emissions, if remodeling is needed, and shall be determined using procedures consistent with those in the EPA Emissions Trading Policy (51 FR 43814, Dec. 4, 1986). Actual emissions are determined by averaging the emissions of the providing source over the most recent representative two calendar years [3] unless circumstances (e.g., the recent installation of a permanent control device) warrant a different period of record. Allowable emissions are those emissions allowed by a federally enforceable SIP limit, preconstruction permit, or other equivalent document which is currently approved by EPA as sufficient to provide for attainment and maintenance of NAAQS and PSD increments.

2. Reductions from the providing source(s) must be obtained through use of control equipment, lower-emitting process changes, or cleaner fuels. Emission reductions from intermittent or supplemental control strategies, or any other strategy inconsistent with the stack height regulation are not acceptable for emissions balances.

3. If at some later date, (a) providing source(s) shuts down or curtails its operations in ways which breach the terms of an emissions balance, the emissions balance will be totally or partially negated, and the affected source must make up the difference by reducing its own emissions and/or by arranging an emissions balance with another source, as explained in C.3 below.

4. The emission reductions from (a) providing source(s) in an emissions balance may not be derived from a control measure: (1) Which is already an approved part of a SIP, (2) for which a commitment for reductions has been approved as a part of a SIP, (3) which has been proposed and is currently under consideration for adoption as a part of a SIP, or (4) which has been adopted at the state or local level as a necessary SIP control measure. As explained in item C.2. below, however, any new emission limitations needed to ensure protection of NAAQS and PSD increments or limitations needed to ensure that the required tons/year emission reduction is achieved by the source(s) as a result of an approved balance will become an enforceable part of the SIP. These provisions are necessary to assure that an emission reduction made for and credited in an emissions balance is not used for other purposes (i.e., is not double-counted).

5. Because of concerns related to potential delay in processing applications and the possibility that emissions might increase elsewhere within the same utility system, emission reductions from shutdowns or load shifting (including lower emissions dispatch (LED), by which utility sources enforceably direct production to better controlled facilities rather than dispatching solely on the basis of least cost) cannot generally be authorized for balance credit at this time (see Preamble Section II.C above). EPA will consider proposed emissions balances involving credit for LED or other load shifting techniques only on a case-by-case basis in which individual applicants demonstrate how and by what procedures these concerns will be satisfied or do not apply. The burden of justifying such proposals by complete, adequate and coherent documentation rests on individual applicants, who should be aware that additional delays in processing balances may result from such proposals and will not be considered grounds for extending the 3-year compliance deadline. Because of this, and other reasons stated at C.3, any affected source must submit a contingency plan that would take effect and be enforceable if the LED proposal is disapproved.

C. Procedural Requirements

1. An emissions balance must be approved through the SIP revision process. Any new emission limitations needed to ensure protection of NAAQS and PSD increments, or limitations needed to ensure that the required tons/year emission reduction is achieved by the sources in an emission balance must be submitted to EPA as a SIP revision within 9 months of approval of the SIP revision required by the revised stack height regulation. This provision in no way extends the requirement to comply with the stack height regulation not later

[1] *Guideline on Air Quality Models (Revised)*, EPA/450/2-78-027R, U.S. EPA, Research Triangle Park, North Carolina, July 1986 (or later editions).

[2] These are reductions over and beyond any required for the purpose of protecting NAAQS or PSD increments. See Section II Policy Discussion in the final EB policy memorandum for the required tons per year emission reduction for a partial balance. Guidance which addresses detailed calculation of emission reductions and "caps" will be provided subsequent to publication of this policy.

[3] The final policy changes the actual emissions averaging period from three years to two years to be consistent with the EPA Modeling Guidelines, and the Emissions Trading Policy, 51 FR 43814, Dec. 4, 1986.

than 3 years after approval of the stack height SIP revision. Emissions balancing proposals must be open to public scrutiny, and the process must provide for full public participation as part of normal SIP revision procedures. To expedite EB SIP approval, states are encouraged to use the SIP parallel processing procedures explained at page 27073 of the June 23, 1982 **Federal Register.**

2. Any new emission limitations needed to ensure protection of NAAQS and PSD increments or limitations needed to ensure that the required tons/year emission reduction is achieved by the source in an emissions balance will be enforceable SIP limits. The balance must be incorporated into the SIP with an explanation of the interrelationship of these emission limitations. The providing source may not be relieved of its obligations under the emission balance except through the process of a subsequent SIP revision.[4]

[4]However, a subsequent SIP revision is not needed if the EB SIP revision was structured to allow the providing source's previous emission limits to become effective upon proper notice to the state and EPA if the affected source later shuts down, or the balance is terminated. For the previous emission limits to again become effective, an acceptable demonstration must be submitted to the state and EPA showing that no NAAQS or PSD increment will be jeopardized.

3. The SIP emission limits required by application of the stack height regulation for an affected source will remain in the SIP as contingent emission limits that will become automatically effective and enforceable against the affected source if the providing source shuts down or the balance is terminated by the sources or by the state. Consequently, the SIP must contain a contingency plan for an affected source to reduce its emissions to the limits required by the stack height SIP revision unless and until another emissions balance can be arranged and approved. The contingency plan could consist of a measure such as the substitution of lower sulfur fuel.

4. Emission reductions by a providing source which are currently used to meet any other requirements of the Act shall not be creditable for an emissions balance.

5. Emission reductions from a providing source will not be creditable against PSD increments or PSD baseline concentrations.

6. Neither this policy nor individual applications under it shall in any way delay compliance with the revised stack height SIP limitations. In particular, this policy shall not create independent grounds for postponing the ultimate compliance date by which the emission reductions required by the stack height SIP revision are to be achieved. Temporary balances may be used to comply with the deadline for emission reductions at the affected source until permanent means of compliance can be achieved; however, the temporary balance would have to be fully approved and implemented by the original compliance date for the affected source.

D. Effect of This Policy

The emissions balancing policy sets out general principles for approving individual balances affording affected source more flexible, cost-effective ways to meet the requirements of EPA's revised stack height regulation. As a policy statement, it neither alters applicable legal requirements nor establishes conclusively how EPA will determine individual applications or cases. EPA will process any EB SIP revision submitted by a state as a SIP revision under the provisions of Section 110 of the CAA, and 40 CFR Part 51. Interested parties will have full public opportunity to scrutinize application of these principles in specific cases and to seek subsequent judicial review if and when EPA takes final action on a particular EB SIP revision.

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